

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26251 of 2020**

Arising Out of PS. Case No.-49 Year-2019 Thana- MUNGER MUFFASIL District- Munger

Badal Yadav S/o Late Yadu Nandan Yadav @ Yogendra Prasad Yadav
Resident of Sandalpur, Mangra Pokhar P.S-Muffasil, District-Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 10-12-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Muffasil P.S. Case No. 49 of 2019 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story when on hearing that some firing is taking place at the house of Pramod Yadav police party reached there the miscreants started fleeing away. Pramod Yadav was caught on chase and from his possession one country-made pistol and one live cartridge together with two mobiles and two motorcycles were seized. He was arrested and after his arrest he disclosed the name of some other persons who were involved in firing. This petitioner is said to be one amongst the 5 names disclosed by Pramod Yadav. Learned counsel for the petitioner submits that Pramod Yadav and three others who



were named by Pramod Yadav have already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 37658 of 2019, Cri. Misc. No. 46176 of 2019 and Cri. Misc. No. 76195 of 2019. It is further informed that in the cases stated in paragraph '3' except in Muffasil P.S. Case No. 56 of 2019 this petitioner is on bail in all other cases. There is no recovery of any arms and ammunition from his possession and he is in custody since 08.11.2019.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, wherein the co-accused on whose statement the name of the petitioner has transpired has already been granted bail and those who are similarly situated have also been released on bail, this petitioner has remained in jail since 08.11.2019 in connection with this case, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Muffasil P.S. Case No. 49 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission



of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

