

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13548 of 2021**

Arising Out of PS. Case No.-100 Year-2020 Thana- SUPAUL District- Supaul

SUNIL YADAV @ SUNIL KUMAR YADAV Son of Mahendra Yadav
Resident of Village - Balwa, P.S. and District - Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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

3 04-09-2021 Heard learned counsel for the petitioner and Ms. Anita Kumari Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with S.T. No. 104/2020 arising out of Supaul P.S. Case No. 100/2020 registered for the offence under Section 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 13.02.2020.

As per the prosecution story, when police apprehended two persons namely Shankar Yadav and Subhash Yadav from the place of occurrence, they disclosed the name of other five persons who had succeeded in fleeing away. From their possession one country made pistol with two live cartridges, mobile with other articles and three motorcycles were seized. So far as this petitioner is concerned, he is one of

the persons named as one who had fled away.

Learned counsel for the petitioner submits that the name of the petitioner has been brought in this case merely on the basis of confessional statement of the co-accused extracted in police custody. The petitioner has been implicated because of his criminal antecedents of four cases as stated in paragraph '3'. He is on bail in all the cases.

In the present case, there is neither any identification of the petitioner nor any recovery has been made from his possession, thus considering that the petitioner has remained in custody for over one and half year his prayer for bail may be considered.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, however it is not controverted that from possession of the petitioner there is no recovery and he has not been identified by any witness.

Considering the facts and circumstances and the materials as noted hereinabove, this Court directs release of the petitioner above-named 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 Additional District & Sessions Judge – Vth, Supaul in connection with S.T.

No. 104/2020 arising out of Supaul P.S. Case No. 100/2020,
subject to the condition as laid down under Section 437 (3)
Cr.P.C.

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. However, the acceptance of bail
bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.