

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14971 of 2021

Arising Out of PS. Case No.-237 Year-2020 Thana- KAUWAKOL District- Nawada

Raku @ Rakua @ Rakesh Yadav S/O Sudama Yadav Resident Of Village
Itabandh PS Chandradeep District Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2021 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

On secret information that some culprit assemble near Shiv Mandir, a raid was conducted and apprehended some persons including the petitioner. On search, one automatic pistol made in USA No. 111 9MM loaded with seven cartridges was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. He submits that not any single witness has supported the prosecution version. He further submits that petitioner bears four criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 27.07.2020.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kawakole P.S. Case No. 237 of 2020, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the



local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(V) that the petitioner will appear before the concerned police station once in a month till conclusion of the trial.

(Anjani Kumar Sharan, J)

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