

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15240 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- HISUWA District- Nawada

ANIL YADAV (age – 38 years, Gender – Male), Son of Late Suraj Prasad
Yadav Resident of Village- Hasanpur, P.S.- Hisua, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Hisua P.S. Case No. 265 of 2020 registered
for the offences punishable under Section 30(a) & 30(d) of the
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case on a
completely imaginary grounds. Learned counsel submits that the
recovery has been made from the bamboo clamp situated
towards the western side of Devi Asthan in the village –
Hasanpur. The said bamboo clamp does not belong to the



petitioner. Learned counsel submits that the petitioner was not seen near the alleged place from where the recovery was made. It is then submitted that the co-accused Ravindra Yadav against whom there was one criminal antecedent has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 36580/2020. Learned counsel submits that the petitioner is in jail since 14.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it appears that the name of the petitioner has transpired on the basis of the statements of some of the co-villagers, though he was not identified on the spot, there being one criminal antecedent also against him, but considering the submission of learned counsel for the petitioner that the case has been listed on mentioning that the wife of the petitioner has died, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge, Nawada, in connection with Hisua P.S. Case No. 265 of 2020, subject to the condition as laid down under Section



437 (3) 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 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'.

