

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30126 of 2021**

Arising Out of PS. Case No.-38 Year-2021 Thana- BANKA District- Banka

HARI KISHORE YADAV Son of Moti Yadav Resident of village - Singhajor,
P.S. Banka, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 12-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 399/402 of the Indian Penal Code and u/s 25(1-b)a, 26/35 of Arms Act.

As per the prosecution case, on 13.01.2021 the informant got information that 5-6 miscreants were assembled in the house of one Kamal Yadav to commit some offence. On such information, a raid was conducted and this petitioner was apprehended on the spot along with co-accused, Parmeshwar Yadav. On search, one country made pistol and one live cartridge were recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case only on suspicion. Petitioner claims clean antecedent and is



in custody since 14.01.2021 and charge sheet has already been submitted.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Banka PS case No. 38/2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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