

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37496 of 2021**

Arising Out of PS. Case No.-27 Year-2021 Thana- GAMAHARIYA District- Madhepura

MADHU YADAV S/o- Jugeshwar Yadav @ Yugeshwr Prasad Yadav R/o
Village- Tok Sihpur Tola, P.s.- Gamharia, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Arun Kumar Pandey

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

2 21-09-2021 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, one country made pistol and eight live cartridges have been 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. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner is in custody since 18.02.2021 and investigation in this case is complete.

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 Smt. Surabhi Srivastava, Judicial Magistrate, 1st class, Madhepura in connection with Gamharia PS case No. 27/2021 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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