

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40819 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- DEWARIA District- Muzaffarpur

Mukesh Kumar Yadav Son of Lalan Yadav Resident of Village - Rajwara
Halimpur, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar,Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 08-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioner seeks bail in Deoriya P.S. Case No. 81 of 2020, registered for the offence under Sections 399, 402, 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, one loaded country-made katta has been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner and petitioner has been falsely implicated in this case by the police. It is further submitted that no case under Section 399 and 402 of the I.P.C. is made out against the petitioner and petitioner is in custody since 13.06.2020. Chargesheet has already been submitted.



Considering the period of custody and the fact that chargesheet has already been submitted, the bail application of petitioner is allowed. Let the above named petitioner 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 learned Chief Judicial Magistrate, Muzaffarpur in connection with Deoriya P.S. Case No. 81 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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