

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40808 of 2020

Arising Out of PS. Case No.-171 Year-2020 Thana- SAKRA District- Muzaffarpur

SHYAM KUMAR YADAV SON OF SATYA NARAYAN RAI @ SATYA
NARAYAN YADAV Resident of Village - Machhi, P.S.- Sakra, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-02-2021 Heard both parties.

The petitioner seeks bail in Sakra P.S. Case No. 171 of 2020, registered for the offence punishable under Section 398 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 pistol and one live cartridge was recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that no incriminating article has been recovered from possession of this petitioner and has been dragged in this case falsely by the police. Petitioner is in custody since 10.05.2020 and bears no criminal antecedent. Chargesheet has already been submitted.



Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV-cum-Sub-Judge, Muzaffarpur in connection with Sakra P.S. Case No. 171 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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