

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1826 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- SALAIYA District- Aurangabad

1. Ashish Kumar Yadav @ Ashish Kumar S/o Arjun Yadav R/o Village Mahulaniya, P.S. - Chhakarbandha (Chakarandha), District - Gaya.
2. Nitish Kumar S/o Basant Yadav R/o Village Mahulaniya, P.S. - Chhakarbandha (Chakarandha), District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in a case registered for the offences punishable under Sections 399, 402, 186, 353, 307, 411, 412, 413, 414 of the Indian Penal Code and Section 25(1-b)a, 26, 27, 35 of the Arms Act.

Recovery is of all together one country made pistol and four live cartridges.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that two cartridges has been recovered from the possession of the petitioner no.1 and one country made pistol and two live cartridges has been recovered from the possession of petitioner no.2. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Dilip Sharma has been granted bail by a co-ordinate Bench of this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 1532 of 2022. The petitioners are in custody since 21.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Salaiya P.S. Case No. 47 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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