

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1997 of 2022

Arising Out of PS. Case No.-199 Year-2020 Thana- LAUKAHA District- Madhubani

Surenbra Yadav Son of Prayag Lal Yadav @ Prayag Yadav Resident of
Village - Dharmpur, P.S.- Laukaha, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B) a/26/35 of the Arms Act.

According to the prosecution case, in brief, is that on 25.07.2020 at about 6:30 A.M. the informant got secret information that some miscreants are planning to commit crime near R.D. Chowk. The police party reached at the said place and on seeing police 3-4 accused persons tried to flee away but accused sharp shooter Surendra yadav and others were



apprehended. Upon search several deadly weapons were recovered from the possession of Surendra Yadav and four mobile phones of Samsung Company were recovered from the possession of Rajendra Yadav and he disclosed that he threw his arms in the river.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list one country made pistol and two live cartridges has been recovered from the possession of the petitioner and similarly situated co-accused Rajendra Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 05.10.2021 in Cr. Misc. No. 18019 of 2021. Police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.07.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Laukaha P.S. Case No. 199 of 2020 corresponding to G.R. No. 1347



of 2020, with 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 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 witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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