

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3718 of 2022

Arising Out of PS. Case No.-87 Year-2018 Thana- BELHAR District- Banka

Prakash Yadav, Son Of Rajendra Yadav, Resident Of Village- Dhamna
Banjama, P.S.- Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Belhar P.S. Case No. 87 of 2018 registered for
the alleged offences under Sections 25 (1-b)a, 26 and 35 of the
Arms Act.

As per prosecution case, on secret information the
police apprehended the co-accused person and from his
possession, a loaded country made pistol with one live cartridge
was recovered. Another person fled away from the spot and the
apprehended co-accused disclosed the name of the petitioner as
the person who fled away from the spot.



Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person/possession. He has been arrested merely on the basis of confessional statement of the co-accused. The petitioner is having sixteen cases pending against him and he is on bail in all cases except one. The charge sheet has been submitted in this case and the petitioner is in custody since 07.04.2021.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and he is an accused in a number of such cases.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Banka, in connection with Belhar P.S. Case No. 87 of 2018, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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