

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12567 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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SAURABH KUMAR @ SAURABH YADAV @ SAURAV YADAV, Son of
Deepak Yadav @ Dipa Kumar Yadav Resident of Village - Naya Tola
Jurabganj, Ward No.2, P.s.- Kodha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anup Kumar Pandey
For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with G.R.
No. 2749 of 2021, arising out of Bettiah Town P.S. Case No.
382 of 2021, registered for the offences punishable under
Sections 414, 411/34 and 25 (1-B)a, 26 and 34 of Arms
Act



As per allegation, two persons, namely, Saurav Yadav (the petitioner) and one Vishal Kumar have been arrested on spot, fleeing from a vehicle. On search, one country made pistol, master key, mobile and 36 currency note of Rs. 500/- has been recovered from the possession of the petitioner and one live cartridge, mobile, master key, 40 currency of Rs. 100/- and 7 currency of Rs. 500/- have been recovered from the possession of the aforesaid Vishal Kumar.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that the recovered vehicle does not belong to the petitioner. He also submits that the police arrested the petitioner on suspicion when he was returning from the house of his relative and waiting for bus. He further submits that the petitioner is of young age of 21 years and he has clean antecedents. It has further been submitted that one of the co-accused, namely, Vishal Kumar has already been granted bail by a Bench of this Court *vide* order dated 16.06.2022, passed in Cr. Misc.



No. 8320 of 2020.

The Petitioner is in custody since 24-06-2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedents.

However, the learned APP for the State has opposed the prayer for bail.

In view of the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with G.R. No. 2749 of 2021, arising out of Bettiah Town P.S. Case No. 382 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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