

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18997 of 2022

Arising Out of PS. Case No.-189 Year-2020 Thana- KATORIYA District- Banka

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Sanoj Kumar Yadav Son of Singeshwar Prasad Yadav @ Sinheshwar Pd.
Yadav Resident of Village - Manjhidihi, Police Station - Anandpur (Chandan),
District - Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. Choubey Jawahar, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

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 prosecution case, a country made pistol
along with 3 alive cartridges were recovered from the
possession of Ganesh Tanti. Further 3 foot Danda from
possession of Anoj Kumar Yadav and Guddu Yadav and an iron
knife from possession of Karn Kumar were recovered. But in



fact nothing has been recovered from the possession of the petitioner and petitioner not caught hold on the spot.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the petitioner was not apprehended on the spot and nothing was recovered from the conscious possession of the petitioner. He further submits that in fact the petitioner has been made in the present case on the basis of disclosure made by the co-accused persons. The co-accused namely Ganesh Tanti has been granted bail vide order dated 07.07.2021, passed in Cr.Misc. No. 14272 of 2021. The petitioner is in custody since 01.02.2022.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 Court below where the case is pending in connection with Katoriya P.S. Case No. 189 of 2021, subject to 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 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 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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