

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21776 of 2022

Arising Out of PS. Case No.-877 Year-2021 Thana- BANKA District- Banka

ARVIND KUMAR YADAV S/o Dharo Yadav R/o village- Dumrama, P.S.-
Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Banka
P.S. Case No. 877/2021 registered for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Section
25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, it is alleged that four
accused persons including the petitioner were apprehended on
the spot and one country made pistol loaded with a live
cartridge were recovered from the possession of the petitioner
and also from other accused persons.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case due to dirty village politics. There is general and omnibus allegation against the petitioner. The petitioner is in custody since 07.11.2021 and petitioner bears criminal antecedent of one case in same nature. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 877/2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned



Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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