

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23390 of 2022

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

Lakhan Lal Yadav, Son of Dasu Yadav, Resident of Village- Dumrama, P.S.-
Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Kamlesh Kumar Pathak, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

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

As per the prosecution case, it is alleged that on a secret information the police apprehended five miscreants, who were riding on four motorcycles. On search being made, a loaded country made pistol along with a live cartridge was



recovered from the possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the person or possession of this petitioner, rather only because of his past criminal antecedent his name has been implicated in this case on mere suspicion. It is next submitted that this petitioner is in custody since 07.11.2021 and the investigation of the crime is already completed and the charge-sheet has been submitted, moreover, he is ready to give undertaking that he will cooperate in the trial.

On the other hand, learned counsel for the State opposes the bail application and submits that the recovery has been made from the possession of the petitioner.

Having regard to the submissions made on the behalf of the parties and considering the period of custody and also the fact that the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty 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 of 2021, subject to the condition that one of the bailors will be



the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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