

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37390 of 2021**

Arising Out of PS. Case No.-38 Year-2021 Thana- BANKA District- Banka

Kamal Yadav Son Of Hardev Yadav Resident Of Village - Gouripur, P.S.
Banka, District - Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Das No.2, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 18-01-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Umeshanand Pandit, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Banka P.S. Case No. 38 of 2021 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act. He has got no criminal antecedent and has remained in custody for one year in connection with this case.

It appears from the materials on record that on secret information, the police party had raided the house of the petitioner from where some persons were arrested and from



their possession loaded pistol and live cartridge were recovered. Those persons have already been granted bail by a learned Co-ordinate Bench of this Court and one of the orders passed in Cr. Misc. No. 31849 of 2021 has been placed on the record. So far as this petitioner is concerned, it is alleged that from his possession a sum of Rs.11,500/- has been recovered. No arm or ammunition is said to have been recovered either from his person or from his house.

Mr. Umeshanand Pandit, learned APP for the State has opposed the prayer for bail of the petitioner.

In these circumstances, where the petitioner has remained in custody for over one year by now, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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. 38 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

