

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39224 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- PASRAHA District- Khagaria

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SHAILENDRA YADAV SON OF LATE PULKIT YADAV R/O VILLAGE-
BASUA, P.S.- PASRAHA, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 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

Pasraha P.S. Case No. 15 of 2022 registered for the offences

punishable under Sections 399, 402, 353, 307/34 of the Indian

Penal Code and Section 25(1-b), 26(i), 27, 35 of the Arms Act.

As per prosecution case, there is alleged recovery

of two live cartridges and one empty cartridge from the

possession of the petitioner.

Learned counsel for the petitioner submits that

petitioner is in custody since 26.01.2022. Petitioner bears 23

criminal antecedents and in most of the cases the petitioner is on



bail and petitioner has falsely been implicated in one after another case at one or another pretext on account of village politics. Learned counsel further submits that from perusal of the F.I.R. it appears that the aforesaid recovery has not been made in presence of independent witness. The alleged recovery has been made in presence of two witnesses who are member of raiding team. Learned counsel further submits that from perusal of the F.I.R. there is general and omnibus allegation that firing and cross firing has been made by both the parties but it is relevant to state here that in this case nobody has sustained any injury. Therefore, no offence under Sections 307/34 of the Indian Penal Code is made out against the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner bears criminal antecedent of several cases.

Considering the facts and circumstances of the case as well as period of custody, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IVth , Khagaria in connection



with Pasraha P.S. Case No. 15 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the



trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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