

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54152 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- GAYA MUFASIL District- Gaya

Shubham Yadav @ Lefti Yadav @ Shubham Kumar Son Of Jay Ram Yadav
R/O Mohalla- Bangla Sthan, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2022 Let the defects, if any, be removed within four weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Gaya Muffasil P. S Case No. 291 of 2020 for the offences punishable under Section 399 and 402 of the Indian Penal Code and section 25(1-b),26,35 of the Arms Act.

As per prosecution case, four miscreants were hiding in a house and planing to commit crime. From the house, police caught Shubham Kumar@ Lefti Yadav, Rohit Kumar, Manish Kumar and Jackey Kumar with firearms and ammunition.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It appears



from the F.I.R and seizure list that nothing has been recovered from conscious possession of the petitioner only a bag containing charas has been recovered from possession of the petitioner for which another Muffasil P.S.Case No. 290 of 2020 was lodged under NDPS Act. Further submits that co-accused Manish, Jaicky and Rohit have been granted bail in Cr. Misc. No. 5739 of 2021 vide order dated 30.04.2021, Cr. Misc. No. 22290 of 2021 vide order dated 08.10.2021 and Cr. Misc. No. 22398 of 2021 vide order dated 16.11.2021. petitioner is in jail custody since 25.02.2021.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that petitioner is having 12 cases, which manifests in Paragraph-3 of the petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Gaya Muffasil P.S.Case No. 291 of 2020,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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioner tamper 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 petitioners have concealed their 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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