

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52429 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- KHAJAULI District- Madhubani

SUMAN KUMAR YADAV SON OF RANGBAHADUR YADAV
RESIDENT OF VILLAGE- CHHAPRAHI, P.S.- KHAJAULI, DISTRICT
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Khajauli P.S. Case No. 31 of 2021 corresponding to C.R.I. No. 367 of 2021 registered for the offence under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The petitioner is said to have been in possession of one country made pistol along with five live cartridges.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. Although, the alleged recovery of one country made pistol along with five cartridges are said to have been made from the possession of the petitioner, but no offence has been committed by the petitioner, which is clearly apparent from the F.I.R itself. Moreover, the police after investigation has submitted chargesheet in this case vide chargesheet No. 76 of 2021 on 02.06.2021. The petitioner has sufficiently been punished for the alleged recovery as he has been rotting in judicial custody since 03.03.2021 i.e. more than nine months.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M-1st, Class, Madhubani in connection with Khajauli P.S. Case No. 31 of 2021 corresponding to C.R.I. No.



367 of 2021 with 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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