

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53403 of 2021**

Arising Out of PS. Case No.-69 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

RAJESH YADAV SON OF VIRANDRA @ BIRENDRA YADAV R/O
VILLAGE- LAHTHAN, P.S.- AGION BAZAR, DIST.- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-01-2022 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 through video conferencing.

The petitioner seeks bail in connection with Agion Bazar P.S. Case No. 69 of 2021 registered for the offence under Sections 399 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

According to the F.I.R., one three knot loaded pistol along with a live cartridge is said to have been recovered from the possession of the F.I.R. named accused.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the name of this petitioner has transpired in this case on the basis of confessional statement made by the co-accused, namely, Vir Bahadur Singh, who has been arrested from the spot. It is apparent from the F.I.R. itself that no arms as alleged in the F.I.R. has been recovered from the conscious possession of the petitioner. Moreover, co-accused, namely, Abinash Kumar, having more or less similar allegation, has already been granted bail by this Court vide order dated 09.12.2021 passed in Cr. Misc. No. 38301 of 2021. The petitioner is rotting in judicial custody since 22.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner owns three more cases other than the present one as is evident from paragraph-3 of the petition.

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 A.C.J.M.-VIII, Bhojpur at Ara in connection with Agion Bazar P.S. Case No. 69 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.

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(Rajesh Kumar Verma, J)

