

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48115 of 2022**

Arising Out of PS. Case No.-23 Year-2022 Thana- GWALPARA District- Madhepura

Vibhishan Yadav S/O Kundan Yadav Resident of village- Jairam Parsi, Ward
No- 01, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 09-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Gwalpara (Arar O.P.) Police Station Case No.23 of 2022 registered for the offences punishable under Section 412 of the Indian Penal Code and Sections 25(1-B)a,26,35 of the Arms Act. He is in custody since 07.02.2022. The petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, on 06.02.2022 at about 6.00 hours the informant got secret information that one criminal namely Vibhishan Yadav (petitioner) who is accused in Gwalpara (Arar



O.P.) P.S. Case No.141 of 2021 has stayed near the house of one Dilkhush Yadav. On this information when the informant reached near the house of Dilkhush Yadav, two persons started fleeing away on seeing the police but one of them was apprehended by the police party who disclosed his name as Vibhishan Yadav (petitioner). It is alleged that when the apprehended person was duly searched in presence of witnesses, a loaded country made pistol , one E-shram card of one Arvind Sharma and a Splendor Plus motorcycle having no registration number were recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the petitioner is a mechanic who runs a garage, it is a false implication by police and confessional statement of the petitioner has been extracted in police custody. It is submitted that the petitioner is in custody in connection with this case since 07.02.2022.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that the petitioner is a mechanic who runs a garage and it is a false implication by police and confessional statement of the petitioner has been extracted in



police custody, the petitioner is in custody in connection with this case since 07.02.2022, investigation against him is complete, hence, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Gwalpara (Arar O.P.) P.S. Case No.23 of 2022, subject to the condition 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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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