

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48675 of 2022**

Arising Out of PS. Case No.-105 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Abhishek Yadav @ Jeetu S/o Prithvi Nath Yadav R/o village- Bhatwaliya,
P.S.- Buxar (Industrial), District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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

2 23-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter by 16th January, 2023.

Heard learned counsel for the petitioner and Mr. Satya Nand Shukla, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Buxar (Industrial) P.S. Case No. 105 of 2022 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 15.03.2022. He has nine criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, on receipt of the information about assembly of criminals, a raid was conducted at the alleged place and four persons were apprehended and three persons escaped from the spot



taking advantage of darkness. Abhishek Yadav (petitioner) is one of the apprehended persons and from his possession, a country made pistol with one live cartridge has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel for the petitioner submits that the co-accused have already been granted bail by learned Co-ordinate Benches of this Court. Learned counsel further submits that the petitioner is in custody since 15.03.2022.

Learned counsel has pointed out that in all the cases the name of the petitioner has been brought on the basis of confessional statements of the co-accused only and the petitioner has been falsely implicated in those cases.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that from possession of the petitioner, one live cartridge and one country-made pistol has been recovered but in connection with this case, he is in custody since 15.03.2022, the co-accused similarly situated namely Mahtab Alam and Mannu Yadav have been granted bail by learned Co-ordinate Benches of this Court in Cr. Misc. No. 34458 of 2022 and Cr. Misc. No. 44040 of 2022, there is no submission on behalf of the State that release



of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 105 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 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.

The application stands allowed.

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

(Rajeev Ranjan Prasad, J)

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