

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.53074 of 2022**

Arising Out of PS. Case No.-119 Year-2022 Thana- BAJPATTI District- Sitamarhi

MUNNA YADAV S/o Ramdev Ray R/o village- Sundai, P.S.- Sursand,
District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin, 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
16.01.2023.

Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Md. Fahimuddin, learned APP
for the State.

The petitioner in this case is seeking regular bail in
connection with Bajpatti P.S. Case No. 119 of 2022 registered
for the offence punishable under Sections 399, 402 of the Indian
Penal Code, 25(1-B)a 26/35 of the Arms Act and Section 8 (c),
20(b)(ii) (c)/ 29 of the N.D.P.S. Act. He has no criminal
antecedent and is in custody since 07.05.2022.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant on secret information



reached at the given place where on seeing the police the persons assembled there started fleeing away and on chase two persons were apprehended including the petitioner and on search one loaded country made pistol was recovered from the co-accused.

Learned counsel submits that the petitioner is innocent and has not committed any offence. Nothing has been recovered from the possession of the petitioner, however he is in custody.

Learned APP 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 an uncontroverted submission of learned counsel for the petitioner that from possession of the petitioner no recovery of any incriminating article has at all been made, the petitioner has remained in custody since 07.05.2022, he has no criminal antecedent and at this stage there is no submission that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of crime, therefore, this court directs release of the petitioner above-named 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 Session Judge-cum-Special Judge, Sitamarhi in connection with Bajpatti P.S. Case No. 119 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.

The 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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