

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64685 of 2021

Arising Out of PS. Case No.-111 Year-2021 Thana- BARHARA KOTHI District- Purnia

AKHILESH YADAV @ AKHILESH KUMAR YADAV Son of Late Shiv Kumar Yadav Resident of Village - Maujampatti, P.S.- Barahara (Raghuvansh Nagar), District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Pravin Kumar, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner, who is in custody since 04.04.2021, seeks regular bail in connection with Barahara (Raghuvansh Nagar) P.S. Case No. 111 of 2021 dated 04.04.2021 registered for offences punishable under Section 411 of the Indian Penal Code and Sections 25(1-b)a/35/26 of the Arms Act.

Prosecution story in brief is that one loaded country made pistol, two live cartridges and one mobile phone were recovered from the possession of the petitioner and one loaded country made pistol, one live cartridge, one mobile phone and



one motorcycle were recovered from the possession of the co-accused Bhushan Yadav. Accordingly, seizure list was prepared and petitioner and co-accused were apprehended on the spot.

Learned counsel appearing on behalf of the petitioner submits that petitioner is in custody since 04.04.2021 and one loaded country made pistol (*katta*) and two live cartridges were recovered from the possession of the petitioner. It is his specific submission that the present case has been instituted at the instance of family members of one Buchchan Yadav, against whom several cases are pending and he is involved in commission of contract killing. He was having inimical terms with the family of the petitioner and three members of the family of the petitioner have been eliminated one after another. Taking into consideration the nature of accusation made against the petitioner and period of custody undergone by him, petitioner deserves to be released on bail.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that the petitioner is also operating a gang and there are case and counter case between the parties and each parties are bent upon to eliminate the other as such it would not be in the interest of society to release the petitioner on bail.



Having heard the rival submission of the parties, taking into consideration the accusation made against the petitioner is of recovery of one loaded country-made pistol, two live cartridges and a mobile phone which is registered in the name of the petitioner, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Barahara (Raghuvansh Nagar) P.S. Case No. 111 of 2021 dated 04.04.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.



(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(vi) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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