

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66236 of 2021

Arising Out of PS. Case No.-382 Year-2018 Thana- KHAIRA District- Jamui

Naresh Yadav Son of Dharam Yadav Resident of Village- Vishanpur, P.S.-
Sono (Charka.Pathar), District- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 121(a), 122, 124(a), 120B/34 of the Indian Penal Code and Section 3, 5, 6 and the Explosive Substance Act and Section 16, 17, 18, 19, 20, 21 and 22 of the U.A.P. Act.

According to prosecution case, allegation against the petitioner alongwith many other accused of being involved in the activities of an unlawful organization and specifically against the petitioner that from his shop provisions were



supplied to them.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner and petitioner was not apprehended on the spot. He further submits that similarly situated, co-accused, namely, Sanjay Modi has been granted bail by a co-ordinate Bench of this Court vide order dated 18.01.2021 passed in Cr. Misc. No. 31846 of 2020. The petitioner is in custody since 02.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Khaira P.S. Case No. 382 of 2018, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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.

(Rajesh Kumar Verma, J)

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