

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68528 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- KHAJAULI District- Madhubani

Shatrughan Kumar Yadav @ Baba S/O Bindeshwar Yadav R/o village-
Chhaprahi, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)A/26/35 of the Arms Act.

As per prosecution case, in brief, is that the informant got a secret information at 6:30 P.M. that some miscreants gathered near the Saifan Bridge for making a plan for robbery on which informant along with his associates reached there then they saw that some persons were fleeing away after seeing them. Three accused persons were caught hold by the police authority



and he recovered country made pistol 3.15 bore cartridge and 9 mm pistol and a live cartridge and mobile.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. nothing has been recovered from the possession of the petitioner and the petitioner was not arrested at the spot but on the confessional statement of co-accused Ravindra Kumar Singh and Suman Kumar Yadav the accused petitioner was arrested. Further submitted that co-accused Suman Kumar Yadav has been granted bail by this Court vide order dated 05.01.2022 in Cr. Misc. No. 52429 of 2021 and another co-accused namely Ravindra Kumar Singh has been granted bail by this Court vide order dated 06.01.2022 in Cr. Misc. No. 52578 of 2021. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.06.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with



Sessions Trial No. 289 of 2021 arising out of Khajauli P.S. Case No. 31 of 2021, corresponding to C.R.I. Case No. 367 of 2021, with 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 witness, 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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