

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.313 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- SALAIYA District- Aurangabad

SURENDRA YADAV Son of Sri Jaigovind Yadav Resident of Village -
Pahari, P.S.- Chattarpur, Distt.- Palamu (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijaya Laxmi Srivastwa,Adv
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2022 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 offence punishable under Section 399, 402, 186, 353, 307,411, 412, 413, 414 of the Indian Penal Code and Section 25(1-b)a, 26, 27, 35 of the Arms Act.

Recovery is of altogether one country made pistol and four live cartridges.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He



further submits that it appears from the FIR as well as seizure list that one live cartridge has been recovered from possession of the petitioner. He further submits that the similarly situated several co-accused persons, namely, Ashish Kumar Yadav @ Ashish Kumar, Nitish Kumar and Dilip Sharma have been granted bail vide order dated 16.05.2022 passed in Cr. Misc. No.1826 of 2022 and Cr. Misc. No.1532 of 2022 by this Hon'ble Court and co-accused, namely, Rajesh Kumar Yadav has also been granted bail vide order dated 23.05.2022 in Cr. Misc. No.4334 of 2022 by a Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 21.09.2021.

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

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/- (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 Salaiya P.S. Case No.47 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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