

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1086 of 2022

Arising Out of PS. Case No.-135 Year-2017 Thana- CHANDAN District- Banka

Sulo Yadav @ Sulendra Yadav @ Suloda S/o Dhanraj Yadav Resident of
Village- Manikthan, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2022 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, 148, 149, 121, 121(A), 120(B) of the Indian Penal Code and Section 3/4 of Explosive Substance Act, 1908 and Section 16, 17, 18, 19, 20, 21, and 22 of U.A.P. Act and Section 17 of C.L.A. Act.

According to prosecution case, it is alleged that police arrested one Sadhu Khaira @ Sadhu Punjhar and recovered different incriminating article including explosive substance as mentioned in the written report. He disclosed the name of this



petitioner and other associates.

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 confessional statement of co-accused Sadhu Khaira @ Sadhu Pujhar. He further submits that nothing has been recovered from the conscious possession of the petitioner except the confessional statement of the co-accused Sadhu Khaira @ Sadhu Pujhar nothing has come during the investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bisheshwar Modi has been granted bail by a co-ordinate Bench of this Court vide order dated 10.12.2018 passed in Cr. Misc. No. 71464 of 2018 and another co-accused namely Prem Roy has been granted bail by a co-ordinate Bench of this Court vide order dated 13.07.2018 passed in Cr. Misc. No. 42122 of 2018. The petitioner is in custody since 12.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six 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 Chandan (Anandpur) P.S. Case No. 135 of 2017, 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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