

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2285 of 2023

Arising Out of PS. Case No.-555 Year-2018 Thana- KOTWALI District- Munger

Sanoj Yadav @ Sanoj Kumar Yadav Son of Kamal Yadav Resident of Village-
Shankarpur, P.S.- Mufassil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), if any, as pointed out by the office, within
a period of four weeks from today.

Heard Mr. Raj Kishor Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Awadhesh Kumar
Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in
connection with Mufassil (Purab Sarai) P.S. Case No. 555 of
2018, registered for the offences punishable under Sections 121,
379, 414, 120B/34 of the Indian Penal Code and Sections 25(1-
A), 25(1-AA), 25(1-B)(a)/26/35 of the Arms Act.

The police, on a secret information with regard to
involvement of some criminals in purchasing and selling of AK-
47 rifles, started searching different places, however, on



noticing the police party, 4-5 persons started fleeing away, out of which three persons were apprehended and others succeeded in fleeing away. On search, one AK-47 rifle, one musket, four pieces of magazine of AK-47 rifle and one loaded country-made pistol and some other incriminating material have been recovered. The apprehended persons also disclosed the name of other co-accused persons who succeeded in fleeing away from the place of occurrence.

Submission has been made on behalf of the petitioner that the petitioner is not named in the FIR, neither he was apprehended at the place of occurrence nor his name has been disclosed by the apprehended person, however, during the course of investigation, the name of the petitioner sprung up on the confessional statement of co-accused before the police and as such, the same is not admissible, hit by Sections 25 and 26 of the Indian Evidence Act. He further submits that the implication of the petitioner is on account of his criminal antecedent as he is carrying six criminal cases on his head, however, he is on bail in all cases. He lastly submits that the petitioner is in custody since 15.11.2022 and now the investigation is complete and the charge-sheet has been submitted.

On the other hand, learned APP for the State



vehemently opposed the bail application and submits that from the impugned order, it appears that the petitioner is a member of inter state gang who is indulged in sale and purchase of AK-47 rifles and other arms and ammunition.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has sprung up on the confessional statement of co-accused and no incriminating material has been recovered from his possession, coupled with the period of custody, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger in connection with Mufassil (Purabsarai) P.S. Case No. 555 of 2018, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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