

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16786 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- MANIHARI District- Katihar

PAWAN KUMAR YADAV @ PAWAN YADAV Son of Sidhu Yadav @
Siddhu Yadav @ Ramnath Yadav Resident of village - Nichla Tola Baldiabari,
P.S.- Manihari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 17.09.2022
in connection with S. Tr. No. 716/2022, arising out of Manihari
P.S. Case No.214/2022, F.I.R. dated 03.09.2022, for the offences
punishable under Sections 399, 402 of the IPC & Sections 25(1-
B)a, 26 and 35 of Arms Act.

According to prosecution case, when the police party
reached at Baldiya Bari chowk, 4-5 unknown persons tried to flee
away on seeing the police personnel but one of them was caught,
who disclosed his name as Amit Kumar Yadav @ Nathuni Yadav
@ Mithun Yadav and from his possession one loaded country
made pistol with ten live cartridges and one mobile phone have
been recovered. The apprehended accused disclosed the name of



the petitioner as one of his associates with other co-accused persons.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of disclosure made by the co-accused, namely, Amit Kumar Yadav @ Nathuni Yadav @ Mithun Yadav. He further submits that from bare perusal of the F.I.R as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from other co-accused person and the petitioner has no concern at all with the alleged recovery of arms and no case is made out under the Arms Act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.09.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent 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 Additional Sessions



Judge-II, Katihar in connection with S. Tr. No. 716/2022, arising out of Manihari P.S. Case No.214/2022, 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)

amit/-

U		T	
---	--	---	--

