

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27264 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- PHULPARAS District- Madhubani

Om Prakash Yadav S/O Dev Prasad Yadav R/V- Natol, P.S.- Phulparas,
District- Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulparas P.S. Case No. 411 of 2022 dated 28.08.2022, instituted for the offences punishable under Sections 413 & 414 of the Indian Penal Code and 25(1-b)a/26/35 of the Arms Act.

3. As per the case of prosecution, on 28.08.2022, the informant raided the house of the petitioner based on the statement made by co-accused namely, Dev Krishna and one unnumbered Glamour motorcycle, without requisite documents, has been recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that the motorcycle was not seized from the



house of the petitioner rather near the house of the petitioner and the petitioner has no concern with the seized motorcycle. It is further submitted that other two co-accused persons were also arrested in this case, one country-made pistol along with live cartridge were also recovered from their possession and both of them have already been granted bail *vide* same order dated 27.04.2023, passed in Cr. Misc. No. 2533 of 2023 (Pitambar Kumar Yadav) and in Cr. Misc. No. 22191 of 2023 (Dev Krishna Kumar). Lastly, it has been submitted that the petitioner is in custody since 29.08.2022 has three cases against him and charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Jhanjharpur, Madhubani in Phulparas P.S. Case No. 411 of 2022, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and



every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. 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.

(Khatim Reza, J)

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