

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30838 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- GWALPARA District- Madhepura

Dilkhush Kumar @ Dilkhush Yadav, Son of Amrendra Yadav, Resident of
Village - Parsi, Ward No.- 3, P.S.- Chousa, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Gwalpara (Arar O.P.) P.S. Case No. 23 of 2022 registered for the offence punishable under Sections 412 of the Indian Penal Code and Section 25 (1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, on information police conducted raid in which a country made pistol with live cartridges and a motorcycle having no registration number were recovered from the possession of co-accused Vibhishan Yadav who was staying near the house of petitioner.

Learned counsel for the petitioner submits that the stolen motorcycle and firearm have been recovered from the conscious possession of the co-accused Vibhishan Yadav and no



incriminating article has been recovered from the possession of the petitioner. The petitioner has been implicated in this case on the confessional statement of co-accused Vibhishan Yadav which has no evidentiary value. The petitioner is in judicial custody since 21.04.2022 and he has three criminal antecedent. He further submits that co-accused Vibhishan Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 09.12.2022 in Criminal Miscellaneous No. 48115 of 2022.

Learned APP appearing for the State has opposed the prayer for regular bail of the petitioner.

Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, 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 Session Judge – III, Madhepura in connection with Gwalpara (Arar O.P.) P.S. Case No. 23 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 shall remain physically present as directed by the Court.

(ii) In case of absence on two consecutive dates



without sufficient reason or if the petitioner misuse the liberty or violate any of the conditions imposed upon him his bail bond will be liable to be cancelled by the Court concerned.

(iii) If the petitioner tampers with the evidence or the witness, in that case the prosecution will be at liberty to move for cancellation of bail.

(Sunil Dutta Mishra, J)

saaurabhkr/-

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

