

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40430 of 2023

Arising Out of PS. Case No.-555 Year-2023 Thana- NAWADA District- Nawada

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DARA YADAV @ RAJ KUMAR YADAV Son of Naresh Yadav @Naresh Prasad Yadav Resident of village - Gondapur, P.S. - Nawada Town, Distt. - Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Kumari Subham, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard Kumari Subham, learned counsel for the

petitioner and Mr. Bharat Lal, learned APP for the State.

The petitioner is in custody in connection with Nawada Town P.S. Case No. 555 of 2023 for the offence punishable under Sections 414 of IPC and Section 25 (1-b) a, 26 and 35 of the Arms Act lodged on 04.04.2023 by the informant Ravi Bhusan.

As per the prosecution story, the police came to know about a viral photograph of boys carrying arms. Accordingly, apprehended four accused persons including the petitioner and it is alleged that on the disclosure of this petitioner, arms were recovered from the house of Kaushal Kumar. Accordingly, the F.I.R.



Learned counsel for the petitioner submits that toy pistol was in the hands of the petitioner and the said photograph then went viral assuming it to be original, apprehended. Further, the recovery from the house of Kaushal Kumar.

Learned APP submits that he has criminal antecedents.

Taking into account the aforesaid submissions of the learned counsel for the petitioner and the fact that he is a young boy, he is in custody since 05.04.2023 (as stated in paragraph 10 in the bail application), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, District-Nawada, in connection with Nawada Town P.S. Case No. 555 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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