

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42006 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- MARAUNA District- Supaul

RAKESH KUMAR YADAV Son of Ram Udagar Yadav Resident of village -
Gidrahi Jhingva, P.S. - Marauna, Distt. - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhas Ranjan

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Marauna P.S. Case No. 22/2023 registered for the offences
punishable under Sections 25(1-B), 26 and 35 of the Arms Act,
1959.

3. As per prosecution case, there is alleged recovery
of one loaded country made pistol from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 04.03.2023
and bears criminal antecedent of three cases and in all cases he
is on bail. Learned counsel for the petitioner orally submits that



charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Rakesh Kumar Bablu and Lokesh Kumar have already been granted bail by the trial court as mentioned in para 8 of the bail petition.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 Additional Chief Judicial Magistrate-VI, Supaul in connection with Marauna P.S. Case No. 22/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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