

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42064 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- ALOULI District- Khagaria

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DIWAKAR KUMAR SON OF UMESH YADAV RESIDENT OF VILLAGE-
SATGHATTA, PS- ALAULI, DISTT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-08-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Alauli P.S. Case No. 393 of 2022 for the offence under Sections 25(1-b)a, 26, 35 of the Arms Act lodged on 22.08.2022 by the informant, Rahul Pawan.

As per the prosecution story, the allegation in the F.I.R is that the Police upon information, raided the house of one Umesh Yadav and recovered/seized nine live cartridges. Accordingly, the F.I.R.

It is the case of the petitioner that his name has come only because he is the son of the main accused, Umesh Yadav, is a young boy and a student having no criminal antecedent.

Learned APP opposes the prayer.

Considering the fact that the house belongs to Umesh



Yadav and the alleged recovery is from the said house, he is his son, is a young boy having no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Khagaria, in connection with Alauli P.S. Case No. 393 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 fortnight for next six months 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 anticipatory bail
application is allowed.

(Rajiv Roy, J)

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