

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42672 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Pramod Yadav S/O- Gajendra Yadav Village- Karoti Ward no-13, Ps-
Udakishunganj Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-07-2023 Let the defect(s), if any, be removed within two
weeks from today.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner seeks regular bail in connection
with Udakishunganj P.S. Case No. 393 of 2022 dated
16.11.2022, lodged under Sections 353, 307 & 34 of the I.P.C.
read with Sections 25(1-AA), 25(1-b)a, 26, 27 & 35 of the Arms
Act.

4. As per the prosecution case, the F.I.R. has been
lodged against three named accused persons for the recovery of
2 *desi katta*, 7 unused live cartridges and 5 used cartridges,
which have been made from the possession of the present

petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner is in custody since 16.11.2022 having two criminal cases pending against him and in both the cases, he is on bail.

6. Learned counsel for the petitioner further submits that the alleged recovery was used to be made on the secret information. Counsel submits that the charge-sheet has already been filed, as well as charge has been framed in this case and trial has been commenced.

7. Learned counsel for the petitioner in support thereof has argued that from the seizure list, which is annexed, it transpires that there is an S.T. No. 80 of 2023 has been marked and some documents are also exhibited.

8. Learned counsel for the State opposes the prayer for bail.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-

IInd, Madhepura in connection with Udakishunganj P.S. Case No. 393 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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