

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40681 of 2023

Arising Out of PS. Case No.-207 Year-2022 Thana- SAHAR District- Bhojpur

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BHOLA YADAV @ BHOLA SINGH Son of Laxman Singh Resident of
village - Nasariganj Sikaria, P.S.- Karakat, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Sahar
P.S. Case No. 207 of 2022 registered for the offences under
sections 353, 414, 323 and 506 of the Indian Penal Code and
sections 25(1-b)a, 26 and 35 of the Arms Act lodged on
19.09.2022 by the informant, Pramod Kumar.

The prosecution story, in short, is that on 18.09.2022
he got a secret information that in a white color Scorpio three
criminals namely Bhola Yadav and two others were going to
commit crime. The police constituted a vehicle checking



campaign and at 18:40 O'clock, saw white color Scorpio coming towards Sahar Check Post in high speed. When the police has signed to stop them but three persons who were in Scorpio escaped by rubbing the police personnel towards Khaira Perhaps road.

The police team started chasing the criminals and in village Chandragarh they have fled away in paddy field leaving the vehicle. The police has recovered one loaded country made pistol and two live cartridge from the said Scorpio bearing registration no. JH-05AF-0251. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the alleged recovery of country made pistol and live cartridge are from Scorpio vehicle which belongs to Pankaj Kumar, he do not have anything to do with. Further, only on the apprehension that they were going to commit crime, they have been taken into custody for which he has already suffered by being in custody since 20.03.2023, though he concedes that he has criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent.

Considering the recovery/seizure is from the vehicle, is in custody since 20.03.2023 and he will ultimately face the



trial, this Court is inclined to extend him privilege of bail.

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 the learned Judicial Magistrate Ist Class, Bhojpur at Ara in connection with Sahar P.S. Case No. 207 of 2022, 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 next one year to mark 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 his 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 the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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