

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40792 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- KOTWA District- East Champaran

BRAJ KISHORE SINGH YADAV @ BIRJU YADAV S/O LATE JAGGA
RAI R/O VILLAGE- JAGIRKARAIYA BAIRAGI TOLA, PS. KOTWA
DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 25(1-b)a,
26 and 35 of the Arms Act.
3. The informant alleges that one Niraj Kumar was
apprehended and from his possession two country made pistol
alongwith five live cartridges were recovered and based on his
confessional statement implicated the petitioner.
4. Learned counsel for the petitioner submits that the
petitioner has antecedent of three cases and has been falsely
implicated in the present case, it is next submitted that he was
not present at the place of occurrence and was implicated



because of his antecedents, it is further submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth and proving his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kotwa P.S. Case No. 135 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his cousin Niraj Kumar Yadav.

8. However, it is made clear that in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner



despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this Order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

GauravSinha/-

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