

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46854 of 2023

Arising Out of PS. Case No.-555 Year-2023 Thana- NAWADA District- Nawada

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SUNDAN YADAV @ RDX SON OF BHAJJU YADAV RESIDENT OF
GONDAPUR PS TOWN DISTRICT NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nawada
Town P.S. Case No. 555 of 2023 registered for the offence under
Sections 414 of the Indian Penal Code and 25(1-b)a, 26 and 35 of
the Arms Act.

On the basis of a viral photograph of boys carrying
arms, police apprehended four accused persons including the
petitioner and it is alleged that on the disclosure of the petitioner,
arms were recovered from the house of co-accused, Kaushal
Kumar and Dipu Kumar.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R. and



the seizure list, it appears that nothing incriminating as alleged in the F.I.R. has been recovered from the conscious possession of the petitioner and merely on the basis of a photograph, this petitioner has been apprehended by the police on mere ground of suspicion. He further submits that it is apparent from the F.I.R. and the seizure list, the alleged arms have been recovered from the house of the co-accused, Kaushal Kumar and Dipu Kumar and this petitioner has no concern at all with the alleged arms. Moreover, co-accused, Dara Yadav @ Raj Kumar Yadav having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 21.07.2023 passed in Cr. Misc. No. 40430 of 2023. The petitioner is rotting in judicial custody since 31.05.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries nine more cases other than the present one but he is on bail in all cases.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 555 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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