

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56176 of 2023

Arising Out of PS. Case No.-214 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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NIDDU KUMAR YADAV @ NIDDU KUMAR Son of Ashok Yadav
Resident of Village-Siswa, P.S.-Dumariya Ghat, District-Motihari, East
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dumariya
Ghat P.S. Case No. 214 of 2021 registered for the offence under
Sections 412/34 of the Indian Penal Code and Section 25(1-b)a,
26 and 35 Arms Act.

The petitioner is apprehended having unlawful
possession of one country made pistol along with one live
cartridge along with two motorcycles.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case on the basis of disclosure made by the accused person,
namely, Rohit Kumar Pandey. He further submits that it appears
from the F.I.R. and the seizure list that one country made pistol



along with one live cartridges have been recovered from the conscious possession of the co-accused person and the petitioner was not arrested from the spot. He further submits that the petitioner has no concern at all with the alleged recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.05.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but he fairly submits that the petitioner is on bail in both the 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 A.C.J.M.-1, Motihari, East Champaran in connection with Dumariya Ghat P.S. Case No. 214 of 2021 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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