

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53755 of 2023

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

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Sushil Yadav Son Of Late Prithvichand Yadav Resident Of Village - Basbari,
P.S. - Gawalpara, District - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
16.11.2022, in connection with Udakishunganj P.S. Case No.
393 of 2022, F.I.R. dated 16.11.2022 registered for the offences
punishable under Sections 353, 307, 34 of the Indian Penal
Code and Sections 25(1-A-A), 25(1-b)a, 26, 27, 35 of the Arms
Act.

3. The case relates to recovery of one country made
masket, nine live cartridges and one empty cartridge.

4. Learned counsel for the petitioner submits
that the petitioner is innocent and he has been falsely
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. as well as the seizure list, it appears that one country made masket, nine live cartridges and three empty cartridge have been recovered from the possession of the petitioner. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of four cases, the petitioner has been acquitted from the charges in one case, and in two cases the petitioner is on bail.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Udakishunganj, in connection with Udakishunganj P.S. Case



No. 393 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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