

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55387 of 2022

Arising Out of PS. Case No.-333 Year-2022 Thana- RAJAON District- Banka

KAJOO KUMAR YADAV@KAJU KUMAR YADAV S/o- Arbind Yadav R/o
Village- Ghutia, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Rajoun
P.S. Case No. 333 of 2022 registered for the offences punishable
under Sections 25(1-B)/A/26/35 of the Arms Act.

As per prosecution case, there is alleged recovery of
one loaded country made pistol alongwith one live cartridge and
one empty cartridge from the possession of petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 14.07.2022. Petitioner bears 15
criminal antecedents, all the cases are lodged in the year of 2022
and all the cases are of Mines and Minerals Act. He further
submits that there is a scuffle between local Chaukidar and
petitioner and at the behest of local Chaukidar, petitioner is



falsely implicated in most of the cases without any basis. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Petitioner is falsely implicated in this case with an ulterior motive of the police personnel. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner orally submits that there is no independent witnesses. Seizure list witnesses are police personnel. There is violation of Section 100 of the Cr.P.C. Learned counsel further submits that co-accused Nito Yadav alias Nitish Kumar has already been granted bail vide Cr. Misc. No. 62419 of 2022 by a Co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail, argument advanced on behalf of the parties and also taking into



consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Rajoun P.S. Case No. 333 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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