

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57139 of 2022

Arising Out of PS. Case No.-147 Year-2020 Thana- ROSHANGANJ District- Gaya

Arjun Yadav S/O Late Dulichand Yadav Resident of Village- Bihargayaen,
Tola Nainagarh, P.S.- Roshanganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 414 and 34 of the Indian
Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, 40 kg of Mahua flower
in a jute bag and 4 arms have been recovered from the south
side of house of the co-accused person, namely, Sallu Yadav @
Ajay Yadav.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case on the ground that the petitioner is



father of the main co-accused, namely, Sallu Yadav @ Ajay Yadav. He further submits that it appears from the F.I.R. as well as seizure list that three country made pistol, one country made rifle, 40 kg Mahua flower in a jute bag and motorcycle was found. He further submits that the petitioner has no concern at all with the alleged recovery or the alleged occurrence. He further submits that there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused person, namely, Sallu Yadav @ Ajay Yadav has been granted bail by this Court vide order dated 22.01.2022 passed in Cr. Misc. No. 54677 of 2021. The petitioner is in custody since 14.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Roshanganj P.S. Case No. 147 of 2020, 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 witnesses, 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 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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