

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66744 of 2022**

Arising Out of PS. Case No.-198 Year-2010 Thana- FORBESGANJ District- Araria

Rahul Yadav @ Rahul Ranjan Son of Bimal Yadav @ Bimal Kishore Yadav  
R/O Village - Sultan Pokhar, Ward No.- 4, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      25-02-2023              Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Forbesganj P.S. Case No. 198 of 2010, registered for the offences punishable under Sections 25(1-b)a/26/27 of the Arms Act.

Allegedly, while the informant was returning to his house after attending a marriage, in the meantime, four persons came on two motorcycles surrounded him and on the dictate of co-accused Rahul Yadav and other co-accused persons, accused Subhash Yadav shot fire upon the informant, however, he



anyhow saved himself. It is also alleged that the villagers caught hold the co-accused Subhash Yadav and pistol was recovered from his possession.

Learned counsel appearing on behalf of the petitioner submits that though the petitioner is the informant of the present crime, however, later on he has been made accused in this case taking into consideration that some of the witnesses who were examined during investigation did not support the prosecution case. He further submits that be that as it may if the allegation of the petitioner is found to be false hardly it cannot be a case of Section 182 and 211 of the Indian Penal Code and the petitioner in no stretch of imagination can be made accused in present crime. He next submits that only on account of the fact that the petitioner is carrying some criminal antecedent his name has been implicated in this case. He lastly submits that the petitioner after having learnt about the fact that he has been made accused in this case himself surrendered in the Court below on 14.10.2022 and since then he is in custody.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the materials available on the



record and the fact that the petitioner has been made accused in this case after six years of the institution of FIR, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 198 of 2010, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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