

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70295 of 2022

Arising Out of PS. Case No.-310 Year-2022 Thana- SAUR BAZAR District- Saharsa

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AMLESH KUMAR YADAV @ AMLESH KUMAR S/o Rabindra Yadav @
Ravindra Yadav R/o Village- Keshavpur, Dhabauli, P.S.- Saurbazar, Distt-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rashmi Jha, Adv.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 399, 402 and 414 of the Indian
Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of three country made
pistols along with six live cartridges from the possession of
the co-accused of this case.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case on the
basis of disclosure made by the apprehended persons on
whose possession recovery as alleged in F.I.R has been made.



She further submits that it appears from the F.I.R. and the seizure list, nothing incriminating has been recovered from the conscious possession of the petitioner. She further submits that the recovery of arms has been made from the co-accused, Prince Kumar, Amit Kumar and Abhishek Kumar and the petitioner has no concern at all with the alleged recovery and the co-accused. 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 01.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Saurbazar P.S. Case No. 310 of 2022 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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