

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70735 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- ROH District- Nawada

Bindi Yadav, S/o Govind Yadav, R/v- Mahkar, P.S.- Roh, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Roh P.S. Case No. 257 of 2022 registered for
the alleged offences under Sections 399, 402, 353 and 307 of the
Indian Penal Code and under Sections 25(1-b)a, 26, 27 and 35
of the Arms Act and under Sections 08/20(b)-(ii)(b)/29 of the
Narcotic Drugs and Psychotropic Substance Act..

As per prosecution case, police received secret
information about co-accused Chhotu Yadav and his gang
members making preparation for dacoity and they were armed.
A raid was conducted at the identified place and four persons



were apprehended and others fled away taking cover of darkness. Petitioner is one of the apprehended person and from his possession a loaded country made pistol with three live cartridges were recovered apart from mobile phone. Further recovery of fire arms and ammunition is made from other co-accused persons. Recovery of 250 gm *ganja* was made from the place where the miscreants were sitting.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Nothing incriminating has been recovered from the possession of this petitioner and there is complete violation of Section 100(4) of the Cr.P.C. The recovery of *ganja* has not been made from the conscious possession of this petitioner and even otherwise it is small quantity. Charge sheet has been submitted in this case and the petitioner is in custody since 30.08.2022. The petitioner has got three more cases pending against him, but he is on bail in all such cases.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner was caught red handed with fire arm and live cartridges.

Having regard to the aforesaid facts and circumstances and submission made on behalf of the parties and



considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Nawada in connection with Roh P.S. Case No. 257 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(ii) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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