

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72026 of 2022

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

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Pintu Kumar @ Pintu Yadav Son Of Gaju Yadav @ Gajju Yadav R/O Village-
Mahkar, P.S.- Roh, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Roh
P.S. Case No.257 of 2022, registered for the offences
punishable under Sections 399, 402, 353, 307 of the Indian
Penal Code and 25(1-b)a, 26, 27, 35 of the Arms Act and
8, 20 (b)-II(B), 29 of the N.D.P.S. Act.

The prosecution case as emerges from the FIR is
that the informant got an information that the accused and
his gang is planning dacoity. Subsequently, a raid was
conducted and four persons were apprehended and some
others were able to flee away. It is alleged that a loaded



country made pistol with three live cartridges and a mobile phone were recovered. Further, 250 gms of ganja was also recovered from the place of occurrence.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that neither any arms nor any contraband has been recovered from the possession of the petitioner and the name of the petitioner has transpired in the confessional statement of the co-accused who has already been enlarged on bail by a co-ordinate Bench of this court.

He further submits that the petitioner has been languishing in jail since 02.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sessions Judge, Nawada in connection with Roh P.S. Case No.257 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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