

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71818 of 2022

Arising Out of PS. Case No.-411 Year-2022 Thana- PHULPARAS District- Madhubani

Vivek Kumar Yadav, Son of Krishna Kumar Yadav @ Krishan Kumar Yadav
Resident of Village- Godhiyari, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti

For the Opposite Party/s : Mr. Dashrath Mehta

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 Phulparas P.S. Case No. 411 of 2022, registered for the offences punishable under Sections 413 and 414 of the Indian Penal Code and Sections 25(1-b)A, 26, 35 of the Arms Act.

The prosecution case as emerges from the FIR is that on 27.08.2022 at about 10:15 pm on secret information, the informant along with other police personnel reached Siswa Barhi village and arrested one Dev Krishna with one countrymade pistol and one cartridge. Further, on



interrogation he disclosed that he has a group of co-villager who are involved in robberies. Subsequently, the informant and his team apprehended Pitambar Kumar Yadav, Om Prakash Yadav, Vivek Kumar Yadav, and Pappu Kumar Yadav and also seized pistol, mobile phones and motorcycles from them.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the name of the petitioner has transpired in the alleged confessional statement of the co-accused and no arms has been recovered from his possession rather the same has been recovered from the possession of other co-accused.

He further submits that the petitioner has been languishing in jail since 29.08.2022.

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

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. A.C.J.M-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 411 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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