

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76618 of 2023

Arising Out of PS. Case No.-265 Year-2023 Thana- BARARI District- Katihar

Tufani Yadav S/O Late Anil Yadav Village- Bari Bhainsh Dira, Ps. Barari,
Dist. Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barari
P.S. Case No. 265 of 2023 instituted for the offences under
Sections 414, 420/34 of the Indian Penal Code and Section
25(i-b)/A/26 and 35 of the Arms Act.

3. The prosecution case, in short, is that on receipt of
secret information, the police reached at the place of occurrence
but, on seeing the police party, the accused persons started to
flee away from there but, they were caught hold. On search, one
Bindolliya having eight (8) live cartridges and one Khokha as
well as one Samsung mobile were found from the possession of
the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to some ulterior motive and local politics. He further submits that nothing incriminating has been recovered from the possession of the petitioner. He further submits that there is complete violation of Section 100(4) of the Cr.P.C.

5. So far as criminal antecedents are concerned, the petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application but, in one case, he has been acquitted in S.T. No. 246 of 2023 disposed of on 23.08.2023 and in other case, he is on bail.

6. The petitioner is languishing in judicial custody since 05.08.2023.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the entire facts and circumstances of the case as also taking into account the period of custody, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barari P.S. case No. 265 of 2023, subject to the following conditions;



(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

