

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.759 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- BAGENGOLA District- Buxar

Vishesh Yadav Son of Somnath Yadav R/O Village - Majhariya, P.S.- Buxar
(Industrial), District – Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

Mr. Amit Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel
appearing on behalf of the petitioner and Mr. Chandra Bhushan
Prasad, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Bagen Gola P.S. Case No. 89 of 2022
registered for the offences punishable under Sections 399, 400,
401 and 402 of the Indian Penal Code and Section 25(1-b)a, 26
and 35 of the Arms Act.

The police on a secret information with regard to
assemblage of some miscreants, conducted raid and
apprehended five persons including the petitioner. On search,
some incriminating materials and firearms have been recovered



from other miscreants. However, from the FIR, it is evident that nothing has been recovered from the person or possession of the petitioner. He is said to be the member of the *gang*.

Learned counsel appearing on behalf of the petitioner submits that the persons from whose possession firearms and other incriminating materials have been recovered, have been allowed the privilege of bail by a learned Co-ordinate Bench of this Court vide order dated 27.02.2023 passed in Cr. Misc. No. 67612 of 2022. He further submits that, in fact, false implication of the petitioner is on account of his one past criminal antecedent as has been mentioned in para-3 and 7 of of the bail application. Except the criminal antecedent, there is nothing against the petitioner. He next submits that now the petitioner is in custody since 27.08.2022 and moreover the investigation of the crime is complete and the charge-sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application. However, he is not in a position to confront the fact that other co-accused persons have been allowed the privilege of bail.

Regard being had to the submissions made on behalf of the parties and considering the fact that nothing has



been recovered from the person or possession of the petitioner coupled with the period of custody, let the petitioner, named above, 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 learned A.C.J.M.1st, Buxar in connection with Bagen Gola P.S. Case No. 89 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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