

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74785 of 2022**

Arising Out of PS. Case No.-61 Year-2022 Thana- SOHSARAI District- Nalanda

Arbind Kumar @ Bhim Yadav Son of Late Ramanuj Prasad Yadav Resident of Village - Gelha Bigha, Nadaul Station, P.S.- Masaurhi, District - Patna. At present resident of Bahadur Housing Colony, MIG, Block - 09, P.S.- Agamkuan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      20-06-2023                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 27.02.2022 in connection with Sohsarai P.S. Case No. 61 of 2022 (S.Tr. No. 445 of 2022), F.I.R. dated 27.02.2022 for the offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

Recovery is of one loaded country made pistol, one live cartridge and mobile phone from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one loaded country made pistol and one live cartridge and mobile phone have been recovered from



the possession of the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that similarly situated, co-accused, namely, Dhananjay @ Bhopta has been granted bail by a co-ordinate Bench of this Court vide order dated 13.04.2023 passed in Cr. Misc. No. 8304 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 27.02.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries nine criminal antecedents other than the present one but fairly submits that out of nine cases petitioner is on bail in seven cases and in one case petitioner has been acquitted as mentioned in para-3 of the bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Biharsharif, Nalanda in connection with Sohsarai P.S. Case No. 61 of 2022 (S.Tr. No. 445 of 2022), subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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