

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8001 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- NAWANAGAR District- Buxar

Abhishek Kumar son of Babudhan Yadav Resident of village- Neur Pokhar
Repura tola PS Jagdishpur District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyaneshwar Govind, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Nawanagar P.S. Case No.105 of 2023, lodged on 07.04.2023,
under Section 414/34 of the Indian Penal Code and under
Sections 25(1-b)/A/26/35 of the Arms Act.

3. As per the prosecution, the FIR has been lodged
against two named accused persons including the present
petitioner, against whom there is an allegation that they were in
possession of one *Katta* and one live cartridge as well as one
motorcycle subject to theft has also been recovered from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



submits that petitioner has been made scapegoat in this case as due to family dispute five days prior to filing of this case on 02.04.2023 a case has been lodged and subsequently at the instance of the informant another case was also lodged. He also submits that petitioner is in custody since 08.04.2023. Charge sheet has already been filed in this case.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **on being satisfied that petitioner is not absconding in Nawanagar P.S. Case No.101 of 2023**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Court No.11, Buxar, in connection with Nawanagar P.S. Case No.105 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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