

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16220 of 2024

Arising Out of PS. Case No.-28 Year-2020 Thana- NADI P.S. District- Bhagalpur

Sintu Yadav @ Sittu Yadav, aged about 32 years, Sex-Male Son of Mahendra Yadav @ Mahendra Prasad Yadav, Resident of Village- Naya Tola, Bhawanpura, P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Nadi PS Case No. 28 of 2020 instituted for the offences punishable under Sections 307 and 353/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, one loaded pistol from waist and two live cartridges along with one rifle of .315 bore loaded with four cartridges with magazine have been recovered from the accused persons including the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of



ulterior motive. Petitioner is neither arrested at the spot nor any weapon has been recovered from his conscious possession and he has been made scape-goat on the basis of suspicion. Petitioner is in custody since 25.10.2021.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned 2nd Additional Sessions Judge, Naugachia, Bhagalpur dated 11.10.2022, it appears that petitioner is named in the FIR. Petitioner is not arrested at the spot and his name has been surfaced from the other co-accused, who has arrested at the spot. Similarly situated co-accused namely, Gauri Yadav @ Gaurav Yadav has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No.28141 of 2023 vide order dated 24.05.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned 2nd Additional Sessions Judge, Naugachia, Bhagalpur in connection with Nadi PS Case No. 28 of 2020, subject to the following conditions:-

(i) 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.

(ii) 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.

(iii) 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 the bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ramesh Chand Malviya, J)

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