

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14382 of 2024**

Arising Out of PS. Case No.-752 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Surendra Yadav Son of Khokha Yadav @ Khokhay Yadav R/o Village-
Parminiya, Ward No.01, P.S.- Sonbarsa Kachahari, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

3 01-05-2024 Heard Mr. Amarnath Jha, learned counsel for the

petitioner and Mr. Tarun Prasad Mandal, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Saharsa Sadar P.S. Case No. 752 of 2023, F.I.R.
dated 19.10.2023 for the offences punishable under Sections
25(1-B) a/26/35 of the Arms Act.

3. One country made pistol loaded with live cartridge
has been recovered from the possession of Vinit Kumar.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of the
disclosure made by one co-accused, namely, Vinit Kumar. He
further submits that it appears from the F.I.R as well as seizure



list that nothing has been recovered from the conscious possession of the petitioner and as per the allegation the petitioner has fled away from the place of occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, nothing has been recovered from the possession of the petitioner and the name of the petitioner has been transpired on the basis of the disclosure made by Vinit Kumar who happens to be the brother of the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 752 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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)

Vanisha/-

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

