

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16375 of 2024

Arising Out of PS. Case No.-333 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Abhishek Yadav @ Jitu @ Jitu Kumar @ Abhishek Yadav @ Jitu Kumar
Yadav @ Abhishek Yadav Son of Prithvi Nath Yadav Village Bhattwaliya PS
Buxar Industrial, Distt Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2024 Heard Mr. Rang Nath Choubey, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 31.12.2023, in connection with Buxar (M) P.S. Case No. 3323 of 2023, F.I.R. dated 18.07.2023 registered for the offences punishable under Sections 279, 337, 427 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. The case relates to recovery of one country made pistol from the place of occurrence and the same belongs to the petitioner which has been fallen down during running.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not



committed any offence as alleged in the F.I.R. He further submits that the name of the petitioner has been transpired on the basis of disclosure made by co-accused persons namely Pawan Kumar and Rupesh Yadav and said Pawan Kumar has been granted bail by this Court vide order dated 14.09.2023 passed in Cr. Misc. No. 57487 of 2023 and it appears from the case diary that nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 31.12.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and apart from that the petitioner carries ten more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the pending matters.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 3323 of 2023, 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 witness, 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 antecedents, 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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