

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17606 of 2024

Arising Out of PS. Case No.-128 Year-2023 Thana- MANSI District- Khagaria

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Jitendra Yadav S/o Shankar Yadav R/o vill - Khutiya, P.S. - mansi, Distt. -
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mansi P.S. Case No. 128 of 2023, lodged on 03.05.2023 under
Sections 25(1-B)a/26(i)/35 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against two named accused persons including the present
petitioner. The allegation against the present petitioner is that
one *desi* pistol, one magazine and two live cartridges have been
recovered from his possession.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the said recovery has not been made from the
petitioner's possession. Counsel submits that the name of the



petitioner has been figured in this case only due to the reason that his criminal antecedent is not clean. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are ten criminal cases pending against him in which he is on bail. The petitioner is in custody since 30.08.2023 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only six months after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 128 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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.

7. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Mansi P.S. Case No. 146 of 2014.

(II)- Mansi P.S. Case No. 151 of 2015.

(III)- Mansi P.S. Case No. 241 of 2015.

(IV)- Mansi P.S. Case No. 110 of 2016.



- (V)- Mansi P.S. Case No. 206 of 2016.
- (VI)- Mansi P.S. Case No. 99 of 2017.
- (VII)- Mansi P.S. Case No. 85 of 2017.
- (VIII)- Mansi P.S. Case No. 209 of 2017.
- (IX)- Mansi P.S. Case No. 205 of 2023.
- (X)- Kishanganj Excise P.S. Case No. 28 of 2020.

(Dr. Anshuman, J.)

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