

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38676 of 2024

Arising Out of PS. Case No.-726 Year-2023 Thana- KHAGARIA District- Khagaria

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Anjay Yadav Son of Late Ramashish Yadav Resident of Village - Badi Kothiya, ward no.2, P.S.- Khagaria(Muffasil), District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2024

Heard the parties.

2. The petitioner is an accused in connection with Khagaria (Muffasil) P.S. Case No. 726 of 2023 registered for the offences under section 401 of the Indian Penal Code and sections 25(1-B)a, 26 and 35 of the Arms Act lodged on 18.07.2023 by the informant, Sanjeev Kumar.

3. As per the prosecution story, the informant, the police man submits that in connection with another criminal case, the police raided the house of Govardhan Yadav and picked up one Murari Yadav and recovered/seized two live cartridges. Further, the police found a lady trying to hide something in the rice drum and upon opening the drum, four live cartridges, country made pistols were recovered/seized which the lady attributed to her husband, Govardhan Yadav as also Babu Ram Yadav. Accordingly, the F.I.R.

4. It is the case of the petitioner that he is an accused in



connection with Khagaria (Muffasil) P.S. Case No. 724 of 2023 and this case does not relate to the said allegation of opening fire on Mukesh Yadav, this relates to recovery/seizure of arms/cartridges from the house of Govardhan Yadav in which he had no role to play.

5. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that he has criminal antecedent though concede that the alleged recovery/seizure is from the house of Govardhan Yadav.

6. Taking into account the aforesaid facts as also that he is an accused in Khagaria (Muffasil) P.S. Case No. 724 of 2023 while in this case, the recovery/seizure is from the house of Govardhan Yadav, he is in custody since 01.11.2023 (paragraph-11 to the petition), this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Judicial Magistrate 1st Class, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 726 of 2023 corresponding to G.R. No. 2376 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member/relative 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next 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 evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

(Rajiv Roy, J)

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