

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44566 of 2024

Arising Out of PS. Case No.-49 Year-2022 Thana- SIKANDRA District- Jamui

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Ajay Yadav @ Birbal @ Gidra @ Abhijeet Kumar S/o Late Yadav R/o
Village-Gokhula, P.S.-Sikandra, District-Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sikandra P.S. Case No. 49 of 2022, registered on 10.03.2022 for the offences under Section 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

3. As per the prosecution case, on the basis of secret information a raid was conducted at certain identified place and four miscreants were apprehended along with firearm and ammunition. The apprehended co-accused persons disclosed the name of this petitioner and some other co-accused persons who fled away from the spot.

4. Learned counsel appearing on behalf of the

petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from person or possession of the petitioner. Charge sheet has been submitted in this case. No offences are made out against the petitioner under Section 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act. The petitioner is in custody since 02.03.2024. Learned counsel further submits that though the petitioner is having criminal antecedents of 15 cases but in most of the cases his name came up in similar manner and is on bail in most of the cases and acquitted in one case.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner appears to be a habitual offender and has been accused in a large number of cases.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession and further considering submission of charge sheet, the petitioner is directed to be released on bail, on furnishing

bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui/concerned court, in connection with Sikandra P.S. Case No. 49 of 2022, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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