

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53161 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- SABAUR District- Bhagalpur

Balram Yadav SON OF Sattan Yadav Village- Bishanpur Jochho, P.S.-
Lodipur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Mandal, Advocate

For the Opposite Party/s : Mr. M K Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Sabour P.S. Case No. 35 of 2024, registered for the offence punishable under Sections 399, 402 and 414 of the Indian Penal Code and Section 25(1-b), 26 and 35 of the Arms Act.

3. The police on a secret information with regard to the assemblage of miscreants raided the place of occurrence. Five persons were apprehended on spot. On search from the possession of the petitioner, two live cartridges and a cash of Rs. 9,000/- have been recovered. There are recovery of other incriminating material from the possession of other accused persons.

4. Learned Advocate for the petitioner contended that



save and except two live cartridges and Rs. 9,000/-, there is no recovery of any incriminating material much less any weapon and, as such, the recovery of live cartridge clearly suggest about the false implication of the petitioner. It is also contended that the seizure list witnesses are none else but the police personnels and on being arrested, the confession of the petitioner has been recorded. Now the petitioner has been incarcerated since 28.01.2024; the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was apprehended from the place of occurrence along with incriminating material.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that two live cartridges have been recovered from the possession of the petitioner; now the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No.



35 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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