

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60636 of 2024

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

Kundan Yadav, S/o- Anandi Yadav, Mohalla- Choudhary Deah, Ps- Lodipur,
District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nityanand, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner 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 Sections 25(1)(b), 26 and 35 of the Arms Act.

3. The police on a tip off assemblage of miscreants in an orchard raided the place of occurrence and apprehended five persons including the petitioner. On search from the possession of the petitioner, one country made loaded pistol, two live cartridges, Rs. 6,500 and a mobile was recovered.

4. Learned Advocate for the petitioner contended that



in fact on account of the past criminal antecedent of the petitioner the name of the petitioner has been implicated in this case. Other co-accused persons, having identical allegation and from whose possession some incriminating materials have been recovered, have been allowed the privilege of regular bail by this Court in Cr. Misc. No. 55538 of 2024 and 53161 of 2024. Learned Advocate for the petitioner further contended that there is complete defiance of Section 100 of the Code of Criminal Procedure and be that as it may, now the petitioner has been incarcerated since 28.01.2024. The investigation of the crime is complete and the chargesheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears six criminal antecedent over his head and he appears to be a habitual offender indulged in identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the investigation is complete and the chargesheet has been submitted, moreover co-accused persons having more or less similar allegation have been allowed the privilege of



regular bail, 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 Additional Chief Judicial Magistrate XI, 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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