

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62761 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- KATORIYA District- Banka

Banarsi Yadav @ Banarsi Kumar Yadav Son of Kaleshwar Yadav, Village-
Balu Kura, PS- Katoria, Dist- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-02-2024 Heard Mr. Aditya Nath Pandey, the learned counsel

for the petitioner and Mr. Anil Kumar, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Katoria PS Case No. 123 of 2023, FIR dated

12.04.2023, registered for the offences punishable under

Sections 25(1-b),25(1-AA), 26(1)(2)/35 of the Arms Act.

3. According to prosecution case, upon receiving

secret information, the informant along with other police

personnel raided the house of one Prakash Yadav and recovered

one Tata Nexa vehicle. It is further alleged that upon

interrogation, wife of Prakash Yadav disclosed that they have

rented the underground hall of their house to one Ravi Kumar,

and upon search of the same, arms, ammunitions and tools used



in manufacturing of fire-arms were recovered.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegations levelled in the FIR are false and fabricated and the petitioner has not committed any offence as alleged in the FIR. As per the allegation in the FIR, the petitioner has introduced the co-accused Prakash Yadav to the other co-accused Ravi Kumar, but it appears from the rent agreement dated 14.02.2023, that the petitioner is neither the identifier nor the witness of the said agreement and he has been made accused only on that ground. He further submits that petitioner has no concern at all with the alleged recovery of the arms and ammunitions as well as the other co-accused persons. He lastly submits that one Basudeo Yadav carrying similar nature of allegations has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.10.2023 passed in Cr. Misc. No. 62363 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, and a similarly situated co-accused person has been granted



anticipatory bail, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, where the case is pending in connection with **Katoria PS Case No. 123 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that 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 step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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