

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75932 of 2024

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

Vivekanand Yadav Son of Yogendra Prasad Yadav Resident of Village-
Barsaliganj, P.S.- Mojahidpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2024 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 Sessions Trial No. 631 of 2024, arising out of 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 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, two live cartridges, one pair of anklet and two mobiles were recovered, besides cash of Rs. 5500/-

4. Learned Advocate for the petitioner contended that in fact on the alleged date and time of raid, the petitioner was present at the place of occurrence and only on suspicion, his



name has been implicated in this case, showing recovery of some incriminating material. The petitioner is a student and pursuing his study, having fair antecedent. Moreover, the other co-accused persons, having identical allegation, they have been allowed the privilege of regular bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 55538 of 2024 vide order dated 21.08.2024 and further in Cr. Misc. No. 60636 of 2024 vide order dated 20.09.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of two live cartridges speaks volume about the complicity of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery and the fact that other co-accused person, having identical allegation, have been allowed the privilege of bail, coupled with the fair antecedent of the petitioner, 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 District & Sessions Judge 19th Bhagalpur in connection with Sessions Trial No. 631 of 2024, arising out of 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)

shivank/-

U		T	
---	--	---	--

