

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52201 of 2015

Arising Out of PS.Case No. -154 Year- 2015 Thana -MAHISI District- SAHARSA

Saken Yadav, S/o Late Ram Chandra Yadav, R/o village- Ghoghsam, P.S.-
Bakhtiarpur, O.P.-- Kaneria, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Surendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 15-12-2015 Heard Mr. Sharma for the petitioner and Mr. Ram
Chandra Singh, APP for the State.

The petitioner seeks bail in Mahishi P.S. Case No.
154 of 2015 registered under sections 386 and 307 IPC
including section 27 of the Arms Act.

The Headmaster of the middle school lodged the
case alleging that co-accused Bijendra Yadav was
demanding some money from him which was refused
whereafter he returned again to the place of occurrence along
with others including the petitioner and forcibly tried to take
away the money from the box kept in the office which was
protested by the persons present there. The petitioner was one
amongst the slew of persons arrived with Bijendra Yadav. It

is alleged that from his possession one country-made pistol was recovered. The petitioner is also alleged to have assaulted one Sushil Kumar.

The contention of the petitioner is that no substantial injury was found on anyone. In fact, a protest was made against the illegal retention of the amount by the Headmaster. Apart from this case, the petitioner is an accused in Mahishi P.S. Case No. 195 of 2015 which was lodged on the same day for possessing arms without a licence. The order impugned suggests that the petitioner had some more criminal cases to his credit which has been denied by the petitioner. It appears that the petitioner is in custody since 01.08.2015.

Considering the facts and circumstances of the case, I direct the court below to verify the criminal antecedent of the petitioner and if it is found that he is not involved in any other criminal case except Mahishi P.S. Case No. 195 of 2015, then he shall be released on bail on furnishing bail bond of Rs. 10,000/-with two sureties of the like amount each to the satisfaction Sri S. K. Jha, Judicial Magistrate, Saharsa in Mahishi P.S. Case No. 154 of 2015 on conditions that one of the bailors shall be his own/close family member. In

the event of framing of charge, the petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Kishore Kumar Mandal, J)

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