

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16151 of 2019

Arising Out of PS. Case No.-131 Year-2018 Thana- PHULPARAS District- Madhubani

THAKAI YADAV Son of Saryug Yadav R/o village- Bahuarwa, P.S.-
Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 24.01.2019
in a case registered for the offences punishable under Sections
147, 148, 149, 341, 323, 353, 307, 272, 273 of the Indian
Penal Code, Sections 30(a), (d) of the Bihar Prohibition and
Excise Act, 2016 and Sections 25(1-B)a, 26,35,27 of the Arms
Act.

The prosecution case as per the self statement of S.I.
Vinay Sharma, Phulparas Police Station recorded on
28.06.2018 at 11.30 P.M. is to the effect that on the same day
at 4.00 P.M., the informant received information that a
notorious criminal, namely Sunil Yadav along with his gang
members are firing in front of his own house in order to create



terror. After having received such information, the informant reached at the house of co-accused Sunil Yadav at 8.25 P.M. It is alleged that on seeing the police, co-accused Sunil Yadav along with his gang members started indiscriminate firing upon the police party. Though the co-accused Sunil Yadav escaped from the scene, but six accused persons, including the petitioners were apprehended from the place of occurrence. It is further alleged that during frisking from the house of co-accused, Sunil Yadav, used cartridges, one 750 ml. bottle of Royal Stag liquor, from which $\frac{1}{4}^{\text{th}}$ part of the liquor was found consumed, were recovered. It is further alleged that six apprehended co-accused persons disclosed the name of nineteen other persons, including the petitioners.

It is submitted by learned counsel for the petitioner that the alleged recovery has not been made from the conscious physical possession of the petitioner, rather it has been made from the house of the co-accused Sunil Yadav. It is further submitted that similarly situated co-accused, namely Brahmdeo Paswan @ Brahmdev Paswan, Baleshwar Yadav and Santosh Yadav have been granted bail by different Coordinate Benches of this Court vide order dated 28.09.2018, passed in Criminal Miscellaneous No. 54946 of 2018 and vide



order dated 07.09.2018, passed in Criminal Miscellaneous No. 55405 of 2018. It is further submitted that though the petitioner is accused in one other case, but he is on bail.

Learned APP for the State submits that the petitioner was escaped from the scene and he is having criminal antecedent.

Considering the fact that the recovery has been made from the house of co-accused Sunil Yadav, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Madhubani in connection with Phulparas P.S. Case No. 131 of 2018.

(Dinesh Kumar Singh, J)

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