

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17401 of 2020**

Arising Out of PS. Case No.-160 Year-2019 Thana- MANJHAGARH District- Gopalganj

Rabindra Yadav @ Rabindra Kumar Yadav @ Rabindra Choudhary, aged about 50 years (M), Son of Madan Yadav Resident of Village - Dharamparsa, P.S.- Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER**

2 13-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Manjhagarh P.S. Case No.160 of 2019 dated 27.06.2019 instituted under Sections 332, 333, 353, 307/34 Indian Penal Code; Section 27 of the Arms Act and Sections 30(a), 41, 45 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he, along with others, was unloading illicit liquor from a truck and



upon being challenged by the police party, they had fired while fleeing away. 5. Learned counsel for the petitioner submitted that he is innocent and has not been caught at the spot. It was further submitted that as per the allegation the identification is in the light of the truck, which is highly improbable. It was submitted that petitioner was unaware of being named as an accused in the case and, thus, had himself surrendered before the Court on 27.02.2020. Learned counsel submitted that similarly situated Birbal Yadav has been granted bail on 13.02.2020 in Cr. Misc. No.3066 of 2020 and Rajesh Yadav in Cr. Misc. No.55964 of 2019 on 03.09.2019. It was submitted that Hira Lal Ram, against whom the allegation is same, though he is not named in the FIR, has also been granted bail in Cr. Misc. No.55520 of 2019 on 05.09.2019. Learned counsel submitted that only on suspicion, that too without any basis, the petitioner has been named in the FIR.

5. Mr. Jharkhandi Upadhyay, learned APP submitted that the petitioner, along with others, is accused of firing on the police party and that he has surrendered before the Court after many months. However, he could not controvert the fact that Birbal Yadav and Rajesh Yadav, who have been granted bail, are similarly situated.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II, Gopalganj, in Manjhagarh P.S. Case No.160 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

