

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17387 of 2020**

Arising Out of PS. Case No.-156 Year-2019 Thana- CHAUSA District- Madhepura

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YOGI SAH @ YOGENDRA SAH S/O Late Sitaram Sah Resident of Village  
- Kalasan Dhuria, P.S. - Chausa, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      18-09-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Ramchandra Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Chausa PS case no. 156 of 2019 instituted for the offences punishable under Sections 399, 402, 353, 307/34 of Indian Penal Code and 25(1-B)A, 26, 27, 35 of Arms Act.

The case of the prosecution in brief is that at about 10 am on 08.06.2019, the A.S.I. Chausa PS along with police force had proceeded for carrying out a raid in connection with Chausa PS case no. 129 of 2019 and as soon as they had arrived at village-Kalasan Bazar, they received information that



the accused persons including the petitioner herein are armed with lethal weapons and are planing to commit some crime, whereupon the police force had reached the house of the petitioner and upon seeing the police, the accused persons including the petitioner herein had opened firing upon the police party, however one of the miscreants was caught and two live cartridges as also a spring knife was recovered, however rest of the accused persons managed to escape.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and though, is an accused in three other cases but he is on bail in the said three cases. It is further submitted that the petitioner is languishing in custody since 22.11.2019. Lastly, it is submitted that no illicit arms has been recovered from the house of the petitioner and there is no evidence to show that the petitioner and other accused persons were hatching a plan for committing the crime.

*Per contra*, the learned APP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the period of incarceration of



the petitioner herein as also the fact that no illicit arms has been recovered from the house of the petitioner, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Udakishunganj (Madhepura) in connection with Chausa PS case no. 156 of 2019.

**(Mohit Kumar Shah, J)**

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