

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 16396 of 2021**

Arising Out of PS. Case No.-232 Year-2020 Thana- MADANPUR District- Aurangabad

MAHENDRA YADAV Son of Banarasi Yadav Resident of Village-
Nawabandh, P.S.- Madanpur, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Leelawati Kumari, Advocate

For the Opposite Party/s : Mr Bharat Bhushan, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 16-09-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Madanpur Police
Station (for brevity, *PS*) Case No 232 of 2020 dated 15.10.2020
instituted for the offence punishable under Section 384 of Indian
Penal Code, Sections 25 (1-b) a/26/35 of Arms Act and Sections
17, 20, 38, 39, 40 of UAP Act.

Police party have searched and arrested two persons.
One country made pistol, two live cartridges, Rs 34,500/- cash
and two mobile phones have been recovered as per allegation in



the First Information Report.

It is stated that petitioner has no criminal antecedent and has been apprehended while he was going back from the Animal Market and, therefore, he was carrying some cash. There is no recovery of firearms from the petitioner and allegation to this effect is false and motivated. The petitioner is in custody since 15.10.2020 and co-accused Baldeo Singh Bhokta has been allowed bail by this Court in Cr Misc No 14511 of 2021 by order dated 22.06.2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Madanpur PS Case No 232 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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