

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35760 of 2020

Arising Out of PS. Case No.-103 Year-2002 Thana- MURLIGANJ District- Madhepura

Ashok Kumar @ Ashok Yadav son of Chandeshwari Yadav @ Chano Yadav
Resident of village- Pokhram, P.s.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-03-2021 Heard the learned counsel for the petitioner and Shri
Syed Ehteshamuddin, the learned APP for the State.

The petitioner seeks regular bail in connection with
S.T. No. 5/2004(C) arising out of Murliganj P.S. Case No. 103
of 2002, for the offence punishable under sections 147, 148, 149,
324, 307, 302 of the Indian Penal Code and Section 27 of the
Arms Act.

The allegation is regarding a mob of 19 people,
variously armed, having formed an unlawful assembly at the
door of the informant, whereafter some of the co-accused
persons are stated to have fired gun shots on the family
members of the informant, resulting in death of four persons.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the



present case, is having a clean antecedent and is languishing in custody since 25.11.2019. The learned counsel for the petitioner has further submitted that since the petitioner was working out of the state of Bihar for his livelihood, he was not knowing about the present case in question, however, as and when he got knowledge about the aforesaid case, he has surrendered before the learned court below. It is further submitted that a bare perusal of the FIR would show that no allegation of any sort of specific overt act has been levelled against the petitioner and he has merely been alleged to be a member of the unlawful assembly, hence, he may be granted the privilege of regular bail.

Per contra, the learned APP for the State, Shri Syed Ehteshamuddin has vehemently opposed the prayer for bail and has submitted that though it is true that there is no specific allegation against the petitioner of him having engaged in any sort of overt act, but the petitioner was declared absconder in the present case inasmuch as the present case is of the year 2002 and the petitioner has surrendered only on 25.11.2019.

Having regard to the facts and circumstances of the case and considering the materials available on record as also those available in the case diary, this Court finds that no allegation of any sort of overt act has been levelled against the



petitioner and moreover, he is having a clean antecedent and is languishing in custody since November, 2019, hence, I deem it fit and proper to direct for release of the petitioner on regular bail, however, with certain conditions.

Accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV, Madhepura in connection with S.T. No. 5/2004 (C) arising out of Murliganj P.S. Case No. 103 of 2002.

It is further directed that the petitioner would mark his attendance before the Officer-incharge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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