

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2854 of 2022

Arising Out of PS. Case No.-75 Year-2019 Thana- PANDARAK District- Patna

Uday Yadav S/O Janardan Yadav @ Jano R/O Village- Chhaperatar, P.S.-
Pandarak, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 21-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Pandarak P.S. Case No. 75 of 2019 as GT. R. No. 1014 of
2019, registered for the offences punishable under Sections
341, 323, 504, 506 and 120 (B) of the Indian Penal Code
and 25(1-b) a/26/35 of the Arms Act.

The prosecution case as emerging from the FIR is
that on patrolling, an information was received that 3-4
armed accused persons were roaming to commit murder of a
person. It is further alleged that on raid, the petitioner along
with his associates were apprehended from whom various



arms and ammunitions were recovered.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of confessional statement of co-accused persons and there is no connection between the accused persons and the petitioner. He further submits that three co-accused persons namely Golu Kumar, Anant Kumar Singh and MD. Chhotu have already been enlarged on bail by different co-ordinate Benches of this Court vide orders dated 02.06.2020, 11.06.2020 and 26.06.2020 passed in Cr. Misc. No. 16957 of 2020, Cr. Misc. No. 4793 of 2020 and Cr. Misc. No. 20013 of 2020 respectively.

The petitioner has been languishing in jail since 20.12.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in fourteen other cases.



However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the fact that similarly situated co-accused have already been enlarged on bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Sub-Judge I, MP/MLA, Patna, in connection with Pandarak P.S. Case No. 75 of 2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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