

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19744 of 2021

Arising Out of PS. Case No.-25 Year-2011 Thana- IMAMGANJ District- Gaya

MAHESHI YADAV @ RAGHUBANSH @ RAGHUBANSH JI S/o- Late
Makhu Yadav Resident of Village - Kalhautia Jhanjhi, P.S. - Barachatti,
District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Imamganj P.S.Case No.25 of 2011 registered for the offence under Sections 147,148,149,427 and 435 of the Indian Penal Code, Section 27 of Arms Act and Section 17 of C.L.A. Act.

The case of the prosecution in short is that on 16.06.2011 informant of this case received an information that MCC miscreants has set fire three mobile towers within 24 hours. Thereafter, informant alongwith other police personnel



went at the place of occurrence situated at village-Pakardih and found the information true where villagers also told them that there were 150 persons having armed with weapons set fire mobile tower of Vodafone company and also damaged mobile tower of Idea company, they further said that they had earlier also committed the same occurrence. Informant further stated that villagers also told him that petitioner alongwith other co-accused persons were present in the aforesaid occurrence.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that there is no specific allegation against the petitioner. There is general and omnibus allegation against all the accused persons. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.12.2018.

Vide order dated 03.01.2022, a report was called for with regard to the stage of the trial. Report reveals that earlier the cognizance was taken on 27.10.2016 against one accused, namely, Luxmi Singh Bhokta. Thereafter the I.O. of this case has submitted two supplementary cahrgesheet against co-accused persons, namely, Vijay Yadav @ Sandeep Jee and



Maheshi Yadav @ Raghuwansh Jee @ Banarsi Yadav and they were summoned to face the trial. The case is pending for appearance of accused persons.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries 11 more cases other than the present one.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Imamganj P.S.Case No.25 of 2011 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

