

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13336 of 2022

Arising Out of PS. Case No.-630 Year-2020 Thana- BANKA District- Banka

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MOHAR YADAV @ MOHAN YADAV, SON OF LATE TIPAN YADAV, R/o
Village- Kushaha, P.S.- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 24.01.2022, seeks
regular bail in connection with Banka P.S. Case No. 630 of 2020
registered for offences punishable under Sections 147, 148, 149,
323, 307, 302 of the Indian Penal Code and Section 3/4 of the
Explosive Act.

Prosecution story in brief is that on 01.08.2020, the
accused persons named in the FIR including the present
petitioner armed with *lathi*, *danda*, rod, pistol and bomb forcibly
tried to cultivate the field of the informant which was restrained
by the informant and his brother had restrained the accused
persons who for the said reason had assaulted them in which



one Sanjay Yadav succumbed to injury. The seizure list was prepared on the spot in which the recovery of bomb and certain other materials required in manufacturing of bomb have been shown.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation against the petitioner. The specific allegation of assault is against Ramesh Yadav, Dinesh Yadav and Yogendra Yadav. No specific overt act has been alleged against the petitioner. Petitioner is in custody since 24.01.2022 and have no criminal antecedent. He further submits that similarly situated accused person namely, Ramfu Yadav has already been released on bail by a co-ordinate Bench of this Court vide order dated 18.01.2022 passed in Criminal Miscellaneous No. 30097 of 2021 and Birendra Yadav, Surendra Yadav and Chhedi Lal Yadav have been released on bail by a co-ordinate Bench of this Court vide order dated 05.04.2021 passed in Criminal Miscellaneous No. 931 of 2021. Petitioner claims parity to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having perused the FIR it appears that direct allegation of assault is against Ramesh Yadav, Dinesh Yadav and



Yogendra yadav, at the best, petitioner can be considered to be one of the members of the mob, similarly situated co-accused persons have already been released on bail by a co-ordinate Bench of this Court, petitioner has remained in custody since 24.01.2022. Prima facie it appears that petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/Successor Court, Banka in connection with Banka P.S. Case No. 630 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall



take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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