

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18313 of 2022**

Arising Out of PS. Case No.-169 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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Amar Yadav @ Amrendra Yadav S/o Baleshwar Yadav R/o Village - Chatra,
P.S.- Khajauli, District- madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 22118 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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Sunil Das son of vindeshwar das resident of village - ward no.12, harishwara,
p.o.- Kajauli, P.s.- Madhubani (town), Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 18313 of 2022)

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

(In CRIMINAL MISCELLANEOUS No. 22118 of 2022)

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 03-08-2022

Cr. Misc. No. 18313 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Madhubani Town P.S. Case No. 169 of 2021 registered for the



offence under Sections 147, 149, 323, 225, 333, 353, 186 and 120B of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 19.06.2021.

The allegation against the petitioner is to have in possession of one country made pistol alongwith one live cartridge, being part of a mob, where an attempt was made to escape an accused person from custody of police.

Learned counsel appearing on behalf of the petitioner submitted that seizure list is disputed, as same is appearing joint against all of the co-accused persons, which creates a doubt, on its face, over the entire prosecution/allegation. It is also submitted that petitioner is in custody since 19.06.2021, where trial is yet to commence. It is also submitted that nature of rest of the allegations are very much general and omnibus, being part of the mob only. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.



Considering the facts and circumstances, as mentioned and also of custody period coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Madhubani Town P.S. Case No. 169 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by



the documents.

(iii) That one of the bailors shall be Baleshwar Yadav, who is the father of the petitioner and deponent of the present bail petition.”

Cr. Misc. No. 22118 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Madhubani (Town) P.S. Case No. 169 of 2021 registered for the offence under Sections 147, 149, 323, 225, 333, 353, 186 and 120B of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 28.07.2021.

The allegation against the petitioner is to be part of a mob, where attempt was made to escape an accused person from the custody of police.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of



suspicion and further no incriminating material was recovered from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in one more criminal case, in which he is on bail. It is also submitted that nature of rest of the allegations are very much general and omnibus, being part of the mob only. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances, as mentioned, as no incriminating material recovered from the conscious physical possession of the petitioner, in the background of part of the mob only, coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Madhubani (Town) P.S. Case No. 169 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Madhubani/concerned Court, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Lalbabu Das, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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