

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20363 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- PHULPARAS District- Madhubani

RAMBHU YADAV S/o Chandra Mohan Yadav R/o Village- Dhanauja, P.S.-
Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-07-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within one
month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 399, 400, 402, 414 of the Indian
Penal Code and sections 25(I-b)a, 26, 35 of the Arms Act.

As per allegation, police got information that 5/7
miscreants equipped with deadly weapons stood near Dhanauja
Teliya for committing the crime and thereafter police party proceeded
to the place where accused persons had assembled and on seeing the
police party accused persons who were in a Maruti vehicle managed
to escape leaving behind said car and thereafter car was searched and
one country made rifle and one country made pistol were recovered
from rear seat of the car.



The main submissions advanced by the learned counsel for the petitioner are that petitioner was not arrested at the spot, as per prosecution his name surfaced in the statements of villagers except this there is no material against the petitioner and he has been languishing in jail since 18.10.2021. Further submission is that petitioner is not the owner of the alleged vehicle from which firearms were recovered and against him there is criminal antecedent of two cases in which he is on bail.

Learned APP has opposed the prayer for bail.

In view of the above submissions and considering the fact that petitioner was not arrested at the spot, villagers disclosed name of this petitioner as being involved in the alleged crime and in respect of the petitioner investigation has been completed, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner 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 the Addl. Chief Judicial Magistrate I, Madhubani in Phulpras P.S Case No. 265 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

s.hassan/-

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

