

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29159 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- LAKHNAUR District- Madhubani

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Ajay Kumar Yadav, Son of Shri Videshi Yadav, Resident of Village-  
Rajakharwar, P.S.- Sakatpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      11-08-2022              Learned counsel for the petitioner is permitted to  
  
remove the defect(s), as pointed out by the office, within a  
  
period of four weeks from today.

Heard Mr. Ratnesh Kumar, learned counsel appearing  
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Lakhnor P.S. Case No. 02 of 2022 (Special  
Case No. 751 of 2022) registered for the offences punishable  
under Sections 272, 273/34 of the Indian Penal Code and  
Section 30(a) of Bihar Excise and Prohibition Act, 2018 and  
Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that police on  
a secret information that co-accused Sujit Kumar Mandal was  
assaulting Sumit Singh in an intoxicated condition, rushed to the



place of occurrence and on search being made, from the house of co-accused Manish Kumar 20.70 liters of country made liquor was recovered. It is further alleged that a country made pistol has also been recovered from the Tempo of co-accused Sujit Kumar Mandal and on interrogation he disclosed that the pistol was given by this petitioner.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the person or possession of this petitioner, however, the alleged recovery of liquor has been made from the house of co-accused Manish Kumar and so far as the country made pistol is concerned that has been recovered from the tempo of co-accused Sujit Kumar Mandal. It is further submitted that co-accused Sujit Kumar Mandal has already been granted bail by this Court in criminal miscellaneous no. 28847 of 2022 vide order dated 11.08.2022. It is also submitted that only on account of the past criminal antecedent of the petitioner, his name has been implicated in this case and now he is in custody since 13.01.2022.

On the other hand, learned counsel for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that nothing has been



recovered from the persons or possession of this petitioner and he is in custody since 13.01.2022, moreover, the investigation of the crime is completed and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Jhanjharpur (Madhubani) in connection with Lakhnor P.S. Case No. 02 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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