

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34328 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- GWALPARA District- Madhepura

1. MAHADEO YADAV @ MAHADEV KUMAR SON OF LATE JAY NARAYAN YADAV RESIDENT OF VILLAGE- SHYAM, WARD No.11, P.S.- GWALPARA, DISTRICT- MAHEPURA.
2. SANJAY YADAV @ SANJAY KUMAR SON OF MAHADEO YADAV @ MAHADEV KUMAR RESIDENT OF VILLAGE- SHYAM, WARD No.11, P.S.- GWALPARA, DISTRICT- MADHEPURA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 147, 148, 149, 224, 225, 341,323, 307, 353, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The case relates to an scuffle took place between the police party and the accused persons, who are named in the F.I.R, in order to save the detention of companion of the accused.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits



that it appears from the F.I.R. that the petitioners along with 17 others who are named in the F.I.R. and 100 unknown persons assembled on the alarm raised by one Raja Yadav and Robin Yadav and they fired upon the police party for putting pressure over the police to release of Raja Yadav and Robin Yadav. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that the co-accused, namely, Himanshu Kumar has already been granted bail by this Court vide order dated 21.09.2022 passed in Cr. Misc. No. 33330 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 12.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gwalpara P.S. Case No. 27 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

brajesh/-

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

