

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34458 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

MAHTAB ALAM S/o Mujtaba Ansari @ Mujataba Ansari R/o Village-
Mangraon, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44040 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Mannu Yadav @ Manu Yadav @ Sunil Kumar Yadav Son Of Swaminath
Yadav R/O Village- Jaso Road, Shiv Shakti Nagar, Gali No.2, P.S.- Buxar
(MUFFASIL), District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34458 of 2022)

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

(In CRIMINAL MISCELLANEOUS No. 44040 of 2022)

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Since both the cases arise out of Buxar(Muffasil)

P.S. Case No. 105 of 2022 as such, they have been heard

together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Buxar (Muffasil) P.S. Case No. 105 of 2022 registered for the alleged offences under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

As per prosecution case, on receipt of information about assembly of criminals, a raid was conducted at the identified place and four persons were apprehended and three persons escaped from the spot taking advantage of darkness. Petitioner Mahtab Alam is one of the apprehended persons and from his possession a country made pistol with one live cartridge along with five live cartridges from his pocket and a mobile phone were recovered. The petitioner Mannu Yadav is stated to have fled away from the spot.

Learned counsel for the petitioner Mahtab Alam submits that petitioner has been falsely implicated in this case and he has nothing to do with the allegedly seized articles or with any of the co-accused persons. Nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery shown from this petitioner is planted and the



mobile phone is owned by the petitioner. There is no independent witness and so the seizure list becomes doubtful. Further, the petitioner has been forced to confess his crime. Charge sheet has been submitted in this case and the petitioner is in custody since 15.03.2022..

Learned counsel for the petitioner Mannu Yadav submits that nothing incriminating has been recovered from the petitioner who was not apprehended from the spot. Though a recovery of motorcycle has been shown from this petitioner but in fact it was found in front of the house of this petitioner and seizure list was not received by the family members of the petitioner. The petitioner is in custody since 17.05.2022 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioners.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the period of custody of the petitioner Mehtab Alam and the fact that no recovery has been shown from the petitioner Mannu Yadav who was not apprehended from the spot, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 105 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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