

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52624 of 2021

Arising Out of PS. Case No.-27 Year-2017 Thana- SONO District- Jamui

Mantu Yadav Son of Basuki Yadav @ Basuki Prasad Yadav Resident of
Village - Gobindpur, P.S.- Chakai, Distt.- Jamui. Petitioner/s
Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 19-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in custody in connection with Sono
(Charkapathar) P.S. Case No. 27 of 2017 under Sections 147,
148, 149, 120(B) and 121A of the Indian Penal Code and
Sections 16, 17, 18, 19, 20, 21 and 222 of the UAP Act as also
Sections 25(1-b)a/26 of the Arms Act.

As per the prosecution story, the police was on search
around ‘*Gidha Mountain*’ and when they saw some of the
persons trying to escape, the CRPF and SSBC constables were
able to apprehend him and upon search country-made revolver,
live cartridges and some Naxal pumplets were recovered/seized.
The apprehended person was Saudi Yadav, who gave the name
of some accused persons, as he failed to provide any document
for the said possession of the country-made revolver and the



cartridges which were recovered/seized.

The name of the petitioner cropped up later on and accordingly, he was arrested and he is in jail since 01.02.2021 (as stated in paragraph-10 of the bail application).

Learned counsel for the petitioner submits that he was neither arrested from the spot nor named at the initial stage but has been implicated in the case only because he has criminal antecedent. He further submits that he has suffered a lot being in jail since 1st of February, 2021 and as such he may be granted the privilege of bail. He lastly submits that in case the bail is granted to him, he is ready to abide by all terms and conditions imposed by this Court.

Taking into account the fact that the petitioner was neither named in the FIR nor was named at the initial stage, charge sheet stands submitted and he is in jail since 1st of February, 2021, this Court is inclined to grant him the privilege of bail.

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 learned A.C.J.M.-I, Jamui in connection with Sono Charkapathar P.S. Case No. 27 of 2017, subject to the following conditions :-



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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