

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71308 of 2021**

Arising Out of PS. Case No.-169 Year-2021 Thana- MADHUBANI TOWN District-  
Madhubani

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1. Shravan Yadav Son Of Chanchal Yadav Resident Of Village - Chatra, Police Station - Khajauli, District - Madhubani.
  2. Sajjan Yadav Son Of Chanchal Yadav Resident Of Village - Chatra, Police Station - Khajauli, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Jagdish Prasad Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      16-06-2022                      Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Madhubani Town P.S. Case No. 169 of 2021 registered for the offences punishable under Sections 147, 149, 323, 225, 333, 353, 186, 120 (B) of the Indian Penal Code. They have two criminal antecedents and in both the cases they are on bail. They have been taken on remand in the present case on 28.07.2021 from Khajauli P.S. case No. 103 of 2021.

Learned counsel for the petitioners submits that as per the prosecution story, the informant while on patrolling duty got



information that 7-8 accused persons are roaming around the court campus to release the accused person in Babu Barhi P.S. Case No. 133 of 2021 from police custody. When the said accused person was brought for production before the court, 7-8 accused persons attempted to release him but 2 of them got apprehended and others (including this petitioner) managed to escape.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the names of the petitioners have transpired in the confessional statement of the apprehended accused. It is also submitted that there is no recovery of any incriminating article from possession of the petitioners. The petitioners have been taken on remand in the present case on 28.07.2021 from Khajauli P.S. case No. 103 of 2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that the names of the petitioners have transpired in the statement of the apprehended accused, there is no recovery of any incriminating article from the possession of the petitioners and the petitioners claimed that they have got two criminal antecedents in which they are on bail, in the present case they have been taken on remand on 28.07.2021 from Khajauli P.S. Case No. 103 of 2021, investigation against them is



complete and their presence may also be secured in course of trial, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani in connection with Madhubani Town P.S. Case No. 169 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 steps for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

