

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.963 of 2022

Arising Out of PS. Case No.-124 Year-2020 Thana- ROH District- Nawada

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Mukesh Yadav, S/O Bhola Yadav R/O Village- Mahkar, P.S.- Roh, District- Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad- Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-05-2022 By order dated 23.05.2022, the petitioner was granted bail. In the order dated 23.05.2022, it was recorded that the petitioner was granted anticipatory bail by order dated 05.01.2022 in Cr. Misc. No.49136 of 2021. The said fact was incorrectly recorded as the petitioner was granted anticipatory bail by order dated 13.12.2021 in Cr. Misc. No.17548 of 2021.

It appears that the learned counsel for the petitioner, who was appearing in that case, could not bring an important fact to the notice of the Court that the petitioner in the meantime was arrested and as such, the said anticipatory bail application had become infructuous, as such, the said anticipatory bail application ought to have been withdrawn with respect to the petitioner. This important fact perhaps escaped the attention of this Court also.



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

The petitioner seeks bail in connection with Roh P.S. Case No. 124 of 2020 registered for the offences punishable under Sections 147, 148, 149, 447, 448, 504, 506, 341, 323, 307, 269, 354(B) and 380 of the IPC read with Section 8 of POCSO Act and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 25.10.2021, charge-sheet has been submitted in the case and has antecedent of three cases and the informant alleges that 32 named accused persons along with petitioner came to his house, thereafter accused Rajesh, Amit, Suman, petitioner, Arjun and others assaulted due to land dispute, further Suman, petitioner and Arjun dashed her daughter on the ground and Salo Yadav urinated on her face and also assaulted Nago, a co-villager, who came to rescue them and looted Rs. 25,000/-.

The learned counsel submits that co-accused Bhola Yadav, Kuldip Yadav @ Kuli Yadav, Pappu Yadav, Ravindra Yadav @ Ravindra Kumar and Salo Yadav @ Shailendra Kumar were granted anticipatory bail by order dated 13.12.2021 in Cr. Misc. No. 17548 of 2021. It is next submitted that petitioner is



similarly situated like the co-accused, who have been granted anticipatory bail.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody and charge-sheet has been submitted in the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Roh P.S. Case No. 124 of 2020.

(Satyavrat Verma, J)

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