

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21079 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- CHAUSA District- Madhepura

1. Ranjan Yadav son of Bijendra Yadav @ Bijo Yadav, Resident of Village- Latra PS- Gwalpara (Rangra) Dist- Bhagalpur
2. Pawan Yadav son of Late Bharri Yadav @ Umesh Yadav, Resident of Village- Latra PS- Gwalpara (Rangra) Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Chausa P.S. Case No. 183 of 2022 registered on 18.08.2022 for the alleged offences under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, police received information about some miscreants making preparation for dacoity and a raid was conducted and the petitioners along with other co-accused persons apprehended. From the possession of petitioner no. 1 a loaded country made pistol with live cartridge



and two live cartridges from his pocket were recovered and at the same time, from the possession of petitioner no. 2 a loaded country made pistol with live cartridge and four live cartridges from his pocket were recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The prosecution case is false and concocted and alleged recovery shown from the petitioners are planted and, in fact, no recovery has been made from the petitioners. Thereafter, the petitioners were falsely implicated by the police in large number of other cases as well. Even during investigation no material has come up regarding complicity of these petitioners. Moreover, no call detail of the petitioners have been taken out to show that their location was at the place of occurrence. The mandatory provisions of law for search and seizure have not been followed. The petitioners are in custody since 19.08.2022 and charge sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the petitioners are habitual offenders and they have been apprehended along with arms and ammunitions.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners and submission of charge-



sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Udakishunganj, District - Madhepura/concerned court in connection with Chausa P.S. Case No. 183 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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