

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37060 of 2023**

Arising Out of PS. Case No.-142 Year-2021 Thana- MANSI District- Khagaria

CHHABILAL YADAV @ CHHABILA YADAV Son of Dasrath Yadav @  
Tikuli Yadav Resident of village - Amni, P.S.- Mansi, District - Khagaria.  
... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

4      19-07-2023      Heard the parties.

The petitioner is in custody in connection with Sessions Case No. 436 of 2022 corresponding to Mansi P.S. Case No. 142 of 2021 for the offence under Sections 307, 353, 332, 333 and 34 of the Indian Penal Code and Section 25(1-b), a, 26, 27 and 35 of Arms Act lodged on 05.05.2021 by the informant, Dipak Kumar.

The allegations against the petitioner is that upon secret information that accused, Chabila Yadav and other accused persons are armed variously, the police party went and challenged them. It is alleged that the accused persons resorted to indiscriminate firing on the police party. The same was also returned by the police and amongst the accused persons, who were arrested from the spot was Chabila Yadav. The petitioners were nabbed after a hot chase in which they too resorted to firing. Accordingly, the F.I.R.

Earlier the petitioner had moved before this Court in



Cr. Misc No. 13311 of 2022 which came to be rejected on 25.04.2022. This is now the second attempt.

Learned counsel for the petitioner submits that he has already suffered by being in custody since 05.05.2021 (as stated in paragraph 29 of the petition) and some of the co-accuseds including Chhotu Sao @ Chhotu Sah @ Mukesh Kumar have since been granted privilege of bail vide Cr. Misc. No. 18537 of 2023 by this Court. Other accuseds, Cr. Misc. No. 27840 of 2023 (Ghoghal Yadav) and Cr. Misc. No. 23984 of 2023 (Rupesh Sah) too have since been released on bail.

Let the same be kept on record.

Learned APP opposes the prayer but concede that other similarly placed co-accuseds have since been granted bail.

Considering the aforesaid facts as also the period of custody since 05.05.2021, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 3<sup>rd</sup> Addl. Sessions Judge at Khagaria, in connection with Sessions Case No. 436 of 2022 corresponding to Mansi P.S. Case No. 142 of 2021 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 reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) 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.

With the aforesaid observations, the application is allowed.

**(Rajiv Roy, J)**

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