

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40121 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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MANOJ YADAV, aged about 45 years, Male, Son of Late Dhunmun Yadav
Resident of village - Shekhpur Chaman, P.S.- Udakishunganj, District -
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr.Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-07-2023 1. Heard learned senior counsel for the petitioner and
the learned APP for the State.

2. Petitioner seeks regular bail in connection with
Udakishunganj P.S. Case No. 393 of 2022 dated 16.11.2022
registered for the offence(s) punishable under Sections 253,
307/34 of the Indian Penal Code and Sections 25(1-A-A), 25(1-
b)a, 26, 27 and 35 of the Arms Act.

3. As per the prosecution, police personnel acting
upon secret information conducted raid at the alleged place and
thereafter three accused persons were surrounded by the police
after a massive crossfire that took place in between them.
Further upon making search from the possession of this
petitioner, a rifle loaded with eight cartridges along with one



country-made loaded pistol and ten cartridges were recovered.

4. The main submissions advanced by the learned senior counsel for the petitioner are that the alleged offences of IPC are not made out in this case against this petitioner and the allegation concerned to the offence of Section 353 of IPC is completely vague, though against the petitioner there are criminal antecedents of 34 cases but he has been acquitted in 20 cases out of the said cases and in the present matter he has been languishing in jail since 16.11.2022 and as per the FIR, no prohibited firearm was recovered, hence the offence punishable under Section 25(1-AA) of the Arms Act is not applicable in this case and the petitioner himself surrendered before the police.

5. Learned APP appearing for the State has opposed the bail prayer and submitted that against the petitioner, there is a serious allegation.

6. Heard both the sides and perused the FIR and the seizure memo enclosed to the FIR. There is a serious allegation against the petitioner and as per prosecution, the police party on receiving information raided an orchard where the petitioner and co-accused persons were present and when they were inquired by the police, they opened fire at the police party then counter-firing was also started by the police party and finally



the petitioner surrendered before the police and from his possession, *desi* regular rifle and one loaded country made pistol were recovered and from the place of occurrence, used cartridges were also recovered and petitioner has remained accused in 34 criminal cases, though he has been acquitted in 20 criminal cases out of the said antecedent cases, but he is still accused in 14 more cases and the nature of allegation levelled in the FIR against this petitioner is serious in nature. Considering the facts as stated above and the nature of allegation appearing against the petitioner and also the large number of criminal antecedents of this petitioner, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

7. As the petitioner's trial has started, hence the trial Court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next nine months. If the trial of the petitioner is not concluded within the said period then he may renew his bail prayer.

(Shailendra Singh, J)

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