

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55326 of 2023

Arising Out of PS. Case No.-464 Year-2022 Thana- PHULPARAS District- Madhubani

Santosh Yadav @ Santosh Kumar Yadav @ Kariya @ Kaiya Son Of Late
Laxmi Yadav Resident Of Village - Siswabarhi, P.S. - Phulparas, District -
Madhubani

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 31-08-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks.

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

3. The petitioner has preferred this application for
grant of regular bail in connection with Phulparas P.S. Case No.
464 of 2022 dated 30.09.2022 registered for the offences
punishable u/ss 332, 333, 307 and 353 read with section 34 of
the Indian Penal Code and sections 25 (1-b)a, 26, 35 and 27 of
the Arms Act.

4. As per the prosecution case, the allegation against
the petitioner and the co-accused persons are of terrorizing the



voters to cast their votes in favour of the wife of the co-accused, Suil Yadav. When the police party reached the house of the co-accused, Sunil Yadav, all the accused persons started firing on the police party but some accused persons were apprehended and on search three live cartridges were recovered from the petitioner. The police party also recovered a loaded pistol made in USA containing six cartridges, a desi Katta and 12 other live cartridges from the co-accused persons.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 16.08.2023 passed in Cr. Misc. No. 48664 of 2023. The petitioner has three other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 02.01.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 464 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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