

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59466 of 2022

Arising Out of PS. Case No.-466 Year-2022 Thana- JAMUI District- Jamui

UPENDRA PRASAD YADAV Son of Late Vinay Yadav R/V- Thamhan, P.O-
Charaka Pathar (Sono) P.S- Sono, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 399, 402, 120(B), 34 of Indian Penal
Code and Section 25 (1-b)a, 26, 35 of Arms Act.

Informant who is police officer has alleged that on
11.09.2022 at 10:00 o'clock he received a secret informant that
one Duvesh Rawat and other miscreants were assembled in
village Bhachiyar, near toddy tree to prepare some plan to cause
occurrence thereafter, police personal reached there and saw
that five persons were sitting there and upon seeing the police
party they tried to flee away, however with the help of armed
personnel, three persons out of five were apprehended and two
persons managed to flee away, being asked they disclosed their



name as (i) Duvesh Kumar Rawat (ii) Ranbir Kumar Mandal (iii) Rocky Thakur, and upon search from the possession of Duvesh Kumar Rawat, one loaded country made pistol and life cartridge was recovered from possession of Ranbir Kumar Mandal, one loaded country made pistol and from possession of Rocky Thakur one cartridge was recovered and on being asked , the apprehended persons disclosed the name of accused persons who fled away as (iv) Anil Mandal and (v) Narayan Tanti. Lastly, it has been alleged that the accused persons further stated that one Upendra Prasad Yadav (petitioner) was also coming there as all of them had planned to murdered Manoj Mandal and Dharmendra Mandal.

Learned counsel appearing for the petitioner submits he has falsely been implicated in the present case. He further submits that it appears from the FIR that FIR in two parts, in first part there is name of the five accused persons and the second part the name of the petitioner has been implicated that the petitioner was also involved in the alleged occurrence. He further submits that from the FIR itself that the petitioner is not apprehended on the spot and nothing has been recovered from the possession of the present petitioner and on the basis of suspicion petitioner has been falsely implicated in the present



case. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.09.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two criminal antecedent other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Jamui P.S. Case No. 466 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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