

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62151 of 2023**

Arising Out of PS. Case No.-143 Year-2023 Thana- KALUAHI District- Madhubani

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Shambhu Kumar Yadav Son Of Bhagalu Yadav @ Bhaglau Yadav Resident
Of Village - Mahua (KANGALI Tol),P.S. - Khajauli, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
09.07.2023 in connection with Kaluahi P.S. Case No. 143 of
2023, F.I.R. dated 08.07.2023 for the offences punishable under
Sections 399, 402 of the IPC and 25(1-b)a/26/35 of the Arms
Act.

3. According to prosecution case, the informant
received information that 5 to 6 criminals making scheme to
gave occurrence at Narar Training college. Informant along with



police force reached there to verify the said information. After seeing the police miscreants fled away, but three persons were apprehended, they disclosed their name as Kishan Singh @ Kanhaiya, Shambhu kumar Yadav (Petitioner) and Md. Mosim and also disclosed the name of one escaped person as Chandan Yadav. After search, found one loaded contrymade *katta*, one *kartus* 8 mm KF written and one mobile and on searched the a mobile and one Apache motorcycle has been recovered and one Realme company, ITEL company black colour Pad mobile was recovered. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that no incriminating article has been recovered from the possession of the petitioner. It appears from the seizure list that one mobile phone and one motorcycle have been recovered from the possession of the petitioner and owner of the motorcycle is brother of the petitioner and mobile in question is belong to the petitioner. Further submits that the arms were recovered from the other accused persons, namely, Kishan Singh @ Kanhaiya. The petitioner is in custody since 09.07.2023.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, but fairly submits on the basis of paragraph-3 of the petition in which petitioner is on bail.

6. Considering the aforesaid facts and circumstances, 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 the learned Judicial Magistrate, Ist Class, Madhubani in connection with Kaluahi P.S. Case No. 143 of 2023 , subject to the following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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)

Prakash Narayan

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