

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70503 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- PASRAHA District- Khagaria

Azad Yadav S/o Khajanchi Yadav R/o Village- Basuwa, P.S.- Pasraha, Distt-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Agrawal, Advocate
		Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Pasraha P.S. Case No. 15 of 2022 registered for
the alleged offences under Sections 399, 402, 353, 307/34 of the
Indian Penal Code and Section 25(1-b), 26(i), 27 and 35 of the
Arms Act.

As per prosecution case, the police received information
about the petitioner and other dreaded co-accused criminals having
assembled at an identified place with different firearms and a raid
was conducted. The petitioner and other co-accused persons were
surrounded. The miscreants opened fire on the police party and



police party also retaliated firing about 49 rounds. The petitioner and other co-accused persons were apprehended and from the possession of this petitioner a loaded country made pistol with one cartridge along with one other live cartridges and three empty cartridges were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution case is false and concocted and it is not believable. The police has not recovered a single used cartridge and from so much firing nobody received any firearm injury. Nothing incriminating has been recovered from the possession of the petitioner. All the witnesses are police personnel. Learned counsel further submits that out of total nine cases, which are pending against this petitioner, he is on bail in eight cases. Co-accused Shailendra Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 14.11.2022 passed in Criminal Misc. No. 39224 of 2022 and the said co-accused carried 23 cases in his criminal antecedent. The petitioner is in custody since 26.01.2022 and the charge-sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail submitting the petitioner is a dreaded criminal and he was apprehended after much effort by the police, which resorted to



heavy firing.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge-sheet along with the fact that co-accused Shailendra Yadav has been granted bail by a Co-ordinate Bench, the above named petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Pasraha P.S. Case No. 15 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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