

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74518 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- RAJAOLI District- Nawada

MITHLESH YADAV @ MITHILESH YADAV SON OF LATE BUDHAN
YADAV R/O VILL.- HARDIYA, P.S.- RAJAULI, DISTT.- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Manisha Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Rajouli P.S. Case No.129 of 2022 registered for the offences punishable under Sections 447, 341, 323, 504 and 34 of the Indian Penal Code and Sections 25(1-b)a and 27 of the Arms Act.

As per the prosecution, the informant was abused and assaulted by this petitioner and his accomplices and further the accused persons opened indiscriminate firing upon the



informant and a gun and cartridge was snatched from this petitioner.

The main submissions advanced by the learned counsel Mrs. Manisha Prakash for the petitioner are that as per the prosecution's allegation two co-accused persons namely Sandeep Yadav and Sadhu Yadav were alleged to have fired at the informant but there is no allegation of firing against the petitioner and he was simply alleged to have a gun with live cartridge which were allegedly snatched by the informant but the said allegation is completely false as the said fire-arms were produced by a private person namely Gayatri Devi before the police. Further submission is that co-accused Sandip Kumar @ Sandip Yadav, Guddu Yadav @ Guddu Prasad and Sadhu Yadav @ Gautam Kumar, Pappu Yadav @ Pappu Kumar and Sanni Yadav @ Soni Kumar have been granted Anticipatory Bail by different Benches of this Court vide orders passed in Cr. Misc. Nos. 53642 of 2022, 57461 of 2022 and 57869 of 2022 respectively and petitioner's case is on better footing from them and he has been languishing in jail since 27.07.2022 and he was not alleged to have made firing upon the informant. Further submission is that against the petitioner there are criminal antecedents of five cases in which he has got bail in four cases



and in one case he was remanded recently on 08.12.2022.

Learned APP Mr. Parmanand Kumar appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly the privilege of Anticipatory Bail to five co-accused persons stated above by different Benches of this Court and also considering the petitioner's custody period and the nature of allegation appearing against him, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Rajouli P.S. Case No.129 of 2022.

(Shailendra Singh, J)

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