

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46366 of 2024

Arising Out of PS. Case No.-510 Year-2022 Thana- PHULPARAS District- Madhubani

Shambhu Yadav @ Shambhu Kumar Son of Bechan Yadav Resident of
Village - Siswa Barhi, Police Station - Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Informant : Mr. Vimal Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Phulparas PS Case No. 510 of 2022 instituted for the offences
punishable under Sections 25(1-b) a, 26, 27 and 35 of the Arms
Act.

3. As per the prosecution case, co-accused persons
including the petitioner variously armed with gun, sword, farsa,
and kulahari entered into the house of the informant with an
intention to kill.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to dirty village politics.
He further submits there there is general and omnibus allegation
against the petitioner and there is previous enmity between the



parties. Nothing incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner is in custody since 28.04.2024. Similarly situated co-accused person has already been granted bail by this Court passed in Cr. Misc. No. 13291 of 2024 vide order dated 11.03.2024.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Additional Sessions Judge-III, Jhanjharpur, Madhubani dated 04.06.2024, it appears that on the basis of the written report of the informant Nagmani (private person) and production cum seizure list prepared by the police sub-inspector phulparas that one country made pistol and one empty cartridge has been recovered from the accused persons. It is made clear that no recovery has been made from the conscious possession of the petitioner by the police or any Magistrate, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Phulparas PS Case



No. 510 of 2022.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

saaurabhkr/-

U		T	
---	--	---	--

