

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78314 of 2023**

Arising Out of PS. Case No.-160 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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MANTU YADAV @ MANTU PD. YADAV S/O LATE BHOLA YADAV
R/O- GORPAR, WARD NO. 11, PS. BIHARIGANJ, DISTT. MADHEPURA
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghaw Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Udakishunganj P.S. Case No. 160 of 2023 instituted under under Section 341, 323, 353, 224, 504, 506 of the Indian Penal Code lodged on 29.5.2023 by the informant, Suresh Kumar.

3. As per the prosecution story, the police upon knowledge that the accused persons was moving on a motorcycle with 'Smack', intercepted but they tried to escape and in the process entered a house. When the police tried to arrest them, the house members opposed the same which prompted the accused person to escape.

4. From the video, the police identified the accused persons, the petitioner being one of them. Thereafter, person intercepted (Raman Kumar) was interrogated, searched and five grams of 'Smack' was recovered/seized from the



polythene. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that he is brother and admittedly, the recovery of 'Smack' is from Raman Kumar. The last submission is that he do not have criminal antecedent.

6. Learned APP opposes the prayer for bail.

7. Considering the submissions put forward by the parties as also that recovery/seizure is from Raman Kumar, he is brother, FIR lodged and ultimately he will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Udakishunganj P.S. Case No. 160 of 2023 to the satisfaction of learned Additional District & Sessions Judge-1 cum Special Judge, Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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