

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83132 of 2023

Arising Out of PS. Case No.-345 Year-2023 Thana- JAYNAGAR District- Madhubani

BINOD YADAV SON OF NAGENDRA YADAV RESIDENT OF VILLAGE
YOGIYA P.S LADANIYA DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 85237 of 2023

Arising Out of PS. Case No.-345 Year-2023 Thana- JAYNAGAR District- Madhubani

BADAL KUMAR @ BADAL PASWAN SON OF LATE MAHENDRA
PASWAN R/O VILLAGE- NIRMALI, WARD NO.-4, P.S.- NIRMALI,
DIST.- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 83132 of 2023)

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 85237 of 2023)

For the Petitioner/s : Mr.Ashwani Kumar, Adv.

For the Opposite Party/s : Mrs.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with
Jaynagar P.S. Case No. 345 of 2023 corresponding to G.R. No.
1588 of 2023 registered for the offences punishable under



Sections 399, 402 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per prosecution case, petitioners are said to have apprehended on the spot and on search, one country made pistol and two mobile phones have been recovered from possession of the petitioner Binod Yadav whereas from possession of petitioner Badal Kumar @ Badal Paswan, one country made pistol and two mobile phones have been recovered.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to high handedness of the police. Petitioners are in custody since 18.08.2023. Petitioner Binod Yadav bears criminal antecedent of five cases and petitioner Badal Kumar @ Badal Paswan bears criminal antecedent of two cases in which petitioners are on bail. He further submits that petitioners are not accused of any offence of similar nature prior to the present case. Learned counsel further submitted that seizure list has not been made as per law as seizure list witnesses are member of raiding party. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Co-accused Pramod



Singh has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 76569 of 2023 and the case of present petitioner stands more or less on similar footing and on the principle of parity, petitioners also deserve bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Jaynagar P.S. Case No. 345 of 2023 corresponding to G.R. No. 1588 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioners shall not commit similar nature of offence in future, otherwise their bail bond shall be cancelled.

(Alok Kumar Pandey, J)

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