

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-V, JAMUI
S.T. No. 434 of year 2023

25-07-2023

The bail petition dated 13.07.2023 filed on behalf of Mantu Yadav in custody since 31.01.2023 and Panchu Ansari in custody since 02.02.2023 u/s 399, 402, 414, 307 of I.P.C. and 25(1-b)/26/27 Arms Act. in connection with S.T. 434/2023 I.E. filing no. 1A/1/2023 in connection with Chakai P.S. case no. 286/2022 has been pressed today for hearing.

Heard Sri Manager Pandey, Ld. counsel for the accused petitioners and the Ld. A.P.P. for the State and perused the case record.

The Ld. counsel for the petitioners stated that petitioner Mantu Yadav and Panchu Ansari are in custody since 31.01.2023 and 02.02.2023. The petitioner Mantu Yadav has got eight previous criminal antecedent and Panchu Ansari has got two criminal antecedent. Further submission is that petitioners are quiet innocent and have committed no any offence rather they have been falsely implicated in this case. The petitioners have got no any concern with alleged crime and there is no material against the petitioners. The co-accused Pappu Yadav and Anil Murmu having granted Antiticipatory Bail by Hon'ble High Court Patna in Cri. Misc. no. 19645/2023 on 14.06.2023.

The Ld. A.P.P. has vehemently opposed the prayer for bail and submitted that petitioners have long criminal antecedent.

Heard the Ld. counsel for the petitioners and the Ld. A.P.P for the state and perused the case record and the case diary.

From perusal of the record it transpires that the petitioner no. 01 and other accused persons alleged to have conspired being armed with fire-arms and bullets in order to commit dacoity in Chitardih forest. The police was tipped off regarding the conspiracy and somehow police party reached in forest area. Accused petitioners armed with leththal fire-arms retaliated and there was a exchange of fire between the accused side and the police party. Many rounds of bullets alleged to have been fired and finally accused persons fled away from the place of occurence having fired to seven rounds of bullets after taking the advantage of darkness. Subsequently the petitioner Mantu

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Yadav was arrested in some other case and remanded in this case on 31.01.2023 and Panchu Ansari on 02.02.2023. Both the accused have long drawn criminal history containing in para 03 of the bail application. Petitioner no. 01 Mantu Yadav has been accused in as many as eight criminal cases. It is further relevant to mention that the Ld. Magistrate took the cognizance of offence u/s 499, 402, 414, 307 I.P.C. and 25(1-b)a/26/27 of Arms Act against both accused Mantu Yadav and Panchu Ansari and the case has been committed to the court of sessions for trial. From the perusal of record it is further transpired that the case is running for the framing of charge.

Having considered the facts and circumstances of the case and the long drawn criminal history and the gravity of the offence which is alleged to have contemplated by accused petitioners I am not inclined to enlarge the accused petitioners on bail at this stage. Enlarging the petitioners on the bail may allow the witness to dissuade from giving evidence in the court as both petitioners are history sheeters and have ability to temper with the evidence and influence the trial. Therefore the regular bail application of accused petitioners Mantu Yadav and Panchu Ansari are hereby ***rejected*** at this stage.

Dictated

Additional Sessions Judge-V