

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18362 of 2016**

Arising Out of PS.Case No. -47 Year- 2016 Thana -GOGRI District- KHAGARIA

Bhushan Yadav Son of Parmeshwar Yadav, Resident of Village-  
Basudeopur, P.S. - Gogri, District - Khagaria.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. P.K.Jha, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

3 28-06-2016 Heard the learned counsel for the petitioner and the  
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Gogri  
P.S. Case No. 47 of 2016 registered for the offences punishable  
under Sections 147, 149, 323, 225, 341, 188, 307, 353, 504 and  
506 of the Indian Penal Code.

Allegedly, as per the order of S.D.P.O., Gogri, the  
informant caught Brajesh Kumar Yadav, he started abusing the  
informant and in the meantime, the petitioner, co-accused  
Arvind Prasad Yadav and 10-15 unknown got freed Brajesh  
Kumar Yadav from the custody of the informant and on the  
order of Brajesh Kumar Yadav, the petitioner started pressing

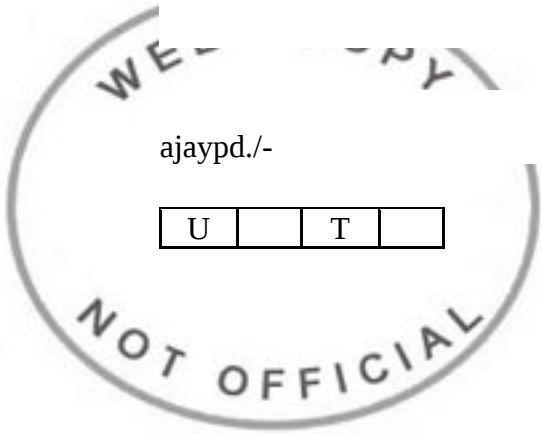
the neck of the informant but due to timely arrival of other police personnel he was saved and the petitioner and Arvind Prasad Yadav were arrested by police personnel.

Submission is of false implication and that the petitioner has been made victim of the circumstances, there is no independent witness, he is suffering in custody since 16.03.2016, charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that the petitioner has pressed the neck of the informant.

In the facts and circumstances stated above, considering that now, there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Khagaria in connection with Gogri P.S. Case No. 47 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without

any reason shall disentitle the petitioner from privilege of bail.



**(Jitendra Mohan Sharma, J)**