

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58019 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- PIRO District- Bhojpur

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Purnvashi Yadav @ Amawash son of Dhiraj Singh @ Dhirja Singh resident of village - Kaulo Dehari, Police Station - Chauri, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh
For the Opposite Party/s : Mr. Atul Chandra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 28.06.2018 in connection with Piro P.S. Case No. 62 of 2018 for offences punishable under Sections 307, 384, 386 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that he owns a cloth shop. Two persons came to buy clothes and on demand of money in lieu of purchase they made a phone call from the mobile of one of the staff of the shop who stated that he is P.K. Yadav, a Mafia Don and the purchased clothes be given to the two persons. On refusal, the third co-accused started firing which misfired and one of the bullets damaged the glass window of the shop and one damaged the wall. It is further



alleged that earlier Rs. 50 lakhs as *rangdari* was demanded, which he had paid.

It has been submitted by the learned counsel for the petitioner that he is innocent, has not been named in the FIR and has been falsely implicated in the aforesaid case. He submits that no T.I. Parade has been done and that there is no allegation of injury on any person, hence, Section 307 of the IPC would not be applicable. He further submits that charge-sheet has already been submitted and although the petitioner is languishing in judicial custody since 28.06.2018 in the present case on remand but he is in custody since 01.03.2018 in connection with Piro P.S. Case No. 64/2018 in which he has been granted the privilege of bail.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as three cases are pending against him of similar nature.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-1st, Bhojpur at Ara in



connection with Piro P.S. Case No. 62/2018, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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