

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25217 of 2019

Arising Out of PS. Case No.-334 Year-2018 Thana- BALIYA District- Begusarai

Rudal Yadav, Son Of Chandradeo Yadav, Resident Of Village- Kaswa Dira,
P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 19-04-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 24.11.2018 in connection with Balia P.S. Case No.334 of 2018 registered for the offence under Sections 307 and 353/34 of the Indian Penal Code and Section 25(1-AA), 25(1-A), 25(1-B), 26 and 27 of the Arms Act.

Learned counsel for the petitioner submits that though there are serious allegation against the petitioner, the allegations under Section 307 would not be made out as there is no narration in the FIR itself of the Police Party having been attacked by the petitioner and his gang, as has been alleged that they were present at the place of occurrence for giving effect to some crime. Learned counsel for the petitioner further submits



that even the allegation as made out against this petitioner and his associates regarding the offence under Section 353 is concerned, is not be made out, as evidently they have all come forward to surrender and there has been no hindrance to them as has been alleged in the FIR.

Learned counsel for the petitioner further submits that so far as the allegations under the various Sections of the Arms Act is concerned, the same is purely ornamental and the allegation of possessing of arms, have been saddled on the shoulders of the petitioner. It has also submitted that the seizure list, which has been appended to the FIR, does not bear the signature of this petitioner and the signatures of so called independent witnesses also appear to be improbable as it is highly unlikely that the woman would be present where such firing would be going on for hours. Learned counsel for the petitioner thus submitted that though there are several antecedents indicated at paragraph 3, the petitioner may be extended the privilege of bail, as in the instant case, no case has been made out against the petitioner and the petitioner has been languishing in jail for nearly 5 months.

Considering the aforementioned facts and circumstances, let the petitioner, above named, be released on



bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai, in connection with Balia P.S. Case No.334 of 2018 subject to the following conditions:

- (1) Father will be the bailer.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

Amjad/-

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