

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2301 of 2019

Arising Out of PS. Case No.-173 Year-2006 Thana- JOGAPATTI District- West Champaran

Brijhan Yadav @ Birjhan Yadav s/o Late Guljar Yadav Resident of Village-
Chaumukha, P.O.- Chaumukha, P.S.- Yogapatti, District - West Champaran
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Rajeev Nayan (App231)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 07-02-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in S.Tr. No. 19/2010, arising out
of Yogapatti P.S. Case No. 173/2006, instituted for offences under
Section(s) 353, 307 and 34 of the Indian Penal Code read with
Sections 25(1-b)a, 26, 35 and 27 of Arms Act.

Learned counsel for the petitioner has submitted that
petitioner has been remanded in this case on 05.07.2009. He is in
custody since then.

In the written report there is allegation that this petitioner
along with other accused persons made firing on the police party. In
retaliation and self defence police party also resorted to firing in
which two miscreants were shot dead.

Learned Addl. District & Sessions Judge VIth, Bettiah,
West Champaran has mentioned in the impugned order that charge
has been framed in this case on 08.09.2011 and till date only one



witness has been examined.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge, FTC 2nd, Bettiah, West Champaran in connection with S.Tr. No. 19/2010, arising out of Yogapatti P.S. Case No. 173/2006, subject to the conditions that

- (I) both the bailors shall be the close relative of the petitioner.
- (II) Petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner and
- (III) if petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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