

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2152 of 2020

Arising Out of PS. Case No.-440 Year-2019 Thana- BRAHMPUR District- Buxar

RAMESH YADAV Son of Late Jagdish Yadav Resident of Village - Baluwa,
P.S.- Brahmpur, District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Brahmpur P.S. Case No. 440 of 2019 registered for the offence punishable under Sections 447, 341, 323, 385, 504, 307/34 of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he has threatened the informant for payment of Rs.1 lakh as *Rangdari* for completion of the work of the scheme and he had also fired shot with an intention to kill but the submission is that the alleged shot fired by the accused have not caused any injury to the informant and the further submission is that this case is only a counter case of



the alleged occurrence for which the cousin brother of the petitioner has lodged Brahmpur P.S. Case No. 441 of 2019 against the informant of this case and other on the same date.

It is further submitted that the investigation of the case is complete and if the petitioner is released on bail there is neither any chance of interfering with the course of trial or tampering with evidence. So far as the cases against the petitioner is concerned, it is stated that in all those cases, the petitioner has been granted bail except in one case.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner on the ground of antecedent alone but considering the fact that in the present case there is also a counter case of the same date lodged by the cousin of this petitioner and the alleged shot fired by the petitioner has not hit anybody, the petitioner has remained in custody for more than four months, the investigation against him is complete and it is not the submission of the prosecution that release of the petitioner is likely to interfere with the course of trial or there is chance of tampering with evidence, let the petitioner above-named be released on bail on furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Buxar, in connection with Brahmpur P.S. Case No. 440 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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