

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13280 of 2021

Arising Out of PS. Case No.-379 Year-2020 Thana- BARHARA District- Bhojpur

Tulsi Yadav S/o Shanker Yadav @ Mani Shankar Yadav R/o village- Saraiya,
P.S.- Barhara, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay
For the Opposite Party/s : Mr. H.A. Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Barhara P.S. Case
No. 379 of 2020 registered for the offence punishable under Sections
326, 307 and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

Allegation against the petitioner is that he, in association with
other co-accused persons, assaulted and fired upon the brother of the
informant causing injury to him and fled away from the place of
occurrence on their motorcycles.

It is submitted by learned counsel for the petitioner that



petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He is neither named in the F.I.R. nor was apprehended on the spot. He submits that there is specific allegation of firing against co-accused person *Chandan Pasi*. He further submits that the name of the petitioner has been dragged in the case after thought and due deliberation on account of enmity as the parties happens to be agnates. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has two criminal antecedent as has been mentioned in para 3 of this bail petition in which he is on bail and he has been languishing in custody since 05.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Barhara P.S. Case No. 379 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform



the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of 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 themselves available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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