

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14587 of 2021**

Arising Out of PS. Case No.-355 Year-2020 Thana- KAHALGAON District- Bhagalpur

SHANKAR YADAV Son of Shri Shyam Prit Yadav @ Samaprit Yadav @
Samprat Yadav Resident of Village- L.C.T. Ghat Ward No.7 (Ram Nagar
Bandar Bagchia), P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Ram Chandra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-06-2021 Learned counsel for the petitioner undertakes to remove
all the defects pointed out by the Stamp Reporter within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Chandra Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Kahalgaon P.S. Case No. 355 of 2020 registered for
the offences punishable under Sections 147, 148, 149, 307, 504 and
506 of the Indian Penal Code and under Section 25(1-b)a of the Arms
Act.

Learned counsel for the petitioner submits that as per the
prosecution story, an altercation has taken place between the
informant and six accused persons including this petitioner on
restraining the accused side for constructing the boundary wall. In the
meantime, accused Shankar Yadav and Mankar Yadav had started



firing, after that they fled away. One motorcycle and two live cartridges have been recovered from the place of occurrence.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case due to land dispute. The petitioner is in custody since 7.11.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that in the First Information Report itself it would appear that the alleged occurrence has taken place over a land dispute, the petitioner has allegedly fired but the fact remains that no injury caused to anybody and petitioner is in custody in the present cases since 7.11.2020, in the three cases stated against him he is on bail, the investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Bhagalpur in connection with Kahalgaon P.S. Case No. 355 of 2020, subject to the conditions as laid down under Section 437(3) 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

