

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16328 of 2021**

Arising Out of PS. Case No.-100 Year-2019 Thana- BIHRA District- Saharsa

=====

PRAKASH YADAV @ PRAKASH KUMAR YADAV @ PRAKASH
KUMAR S/o Yogi Yadav @ Yogendra Yadav @ Khanai Yadav R/o village-
Padampur, P.S.- Bihra, District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

=====

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

2 30-06-2021 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. Narendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bihra P.S. Case No. 100 of 2019 registered for the offences punishable under Sections 341, 323, 307, 384, 34 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the petitioner fired on the head of the son of the informant, when he refused to pay Rs. 50,000/- as rangdari for running a betel shop.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the



injury caused to the son of the informant has been found simple in nature. The petitioner is in custody since 27.7.2020 having no criminal antecedent.

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 this Court has noticed from the materials placed before the Court that the injury caused to the son of the informant has been found simple in nature, they are known to each other and a scuffle took place on establishing a Gumti on the place in question, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with the present case for almost a year, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner on bail above named 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, Saharsa in connection with Bihra P.S. Case No. 100 of 2019, 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)

SUSHMA2/Sonali/-

U		T	
---	--	---	--

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'.

