

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19895 of 2021

Arising Out of PS. Case No.-605 Year-2020 Thana- BRAHMPUR District- Buxar

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MUKESH KUMAR YADAV @ MUKESH YADAV S/o Feku Yadav R/o
village- Lalu Dera, P.S.- Shahpur, District- Bhojpur, Ara

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Brahmpur (Nainijor) P.S. Case No.605 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 353, 379, 332, 333, 307, 120B, 302 of the Indian Penal Code.

The prosecution case in short is that while the informant and other police officials proceeded to make raid against illegal wine trade, seven named accused persons including the petitioner and many other accused persons attacked and assaulted the police party by bamboo, bhalla, iron rod etc. Two accused persons were apprehended on the spot who disclosed the name of the petitioner and other accused persons as their associates in the alleged offence.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place in the manner as alleged. There is no specific overt act against the petitioner rather the allegation is general and omnibus in nature. Similarly situated co-accused namely Vikash Yadav @ Vikash Kumar Yadav has been granted bail vide order dated 06.10.2021 passed in Cr. Misc. No.29450 of 2021 and co-accused Ashok Yadav and Dilip Yadav have been granted bail vide order dated 21.09.2021 passed in Cr. Misc. No.26485 of 2021 by different co-ordinate Benches of this Court. The petitioner has no criminal antecedent and has been languishing in custody since 17.11.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, 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 Chief Judicial Magistrate, Buxar/successor court in connection with Brahmpur (Nainijor) P.S. Case No.605 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 himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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