

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22558 of 2021

Arising Out of PS. Case No.-654 Year-2019 Thana- TURKAULIYA District- East
Champaran

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BIPIN YADAV Son of Bhikhari Yadav Resident of Village - Jaysinghpur Tola
Jathara, P.S.- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

A supplementary affidavit has been filed on behalf of
the petitioner to make correction in paragraph no.3 of the bail
petition that petitioner is on bail in all the four cases.

Learned counsel for the petitioner is permitted to
make necessary correction.

The petitioner seeks regular bail in connection with
Turkauliya P.S. Case No.654 of 2019 registered for the offence
under Sections 341, 323 and 307/34 of the IPC and Section 27
of the Arms Act.

Prosecution case is that the petitioner and other
accused persons fired upon the informant due to which he



received injury in the elbow of his left hand.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appeared from the FIR itself that the specific allegation against the petitioner is that he opened fire from his fire arm, which hit in the elbow of left hand of the informant, namely, Achhe Lal Rai. He further submits that there is admitted land dispute between the parties. Petitioner is in custody since 28.09.2020.

However, learned APP for the State on the basis of the case diary vehemently opposed the prayer for regular bail of the petitioner and submitted that petitioner has four criminal antecedents.

Considering the period of custody of the petitioner as well as the aforesaid facts, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, East Champaran at Motihari in connection with Turkauliya P.S. Case no. 654 of 2019 with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) 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.

(Rajesh Kumar Verma, J)

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