

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23583 of 2021**

Arising Out of PS. Case No.-159 Year-2020 Thana- ROH District- Nawada

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YAMUNA YADAV @ BAKHORI YADAV Son of Mago Yadav Resident of
Village - Mahkar, P.S.- Roh, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-09-2021 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, learned
counsel for the Informant and Mr. Pawan Kumar Chaurasia,
learned APP for the State.

Petitioner in the present case is seeking regular bail in
connection with Roh P.S. Case No. 159 of 2020 registered for
the offences punishable under Section 147, 148, 149, 341, 323,
307, 504, 506, 379 of the Indian Penal Code and Section 27 of
the Arms Act. He is in custody since 7.11.2020. Petitioner has
got two criminal antecedent and it is stated that he is on bail in
both the cases.

As per the prosecution story when the informant was returning to his house, on way altogether seven named accused persons stopped him, took his motorcycle in their possession and started abusing and assaulting him. It is alleged that in course of beating this petitioner took out a pistol from his waist and fired on the informant which went away touching the right side of his shoulder but the splinters thereof caused some injuries on his chest and face.

Learned counsel for the petitioner submits that from the First Information Report no motive of the alleged occurrence may be noticed. It is further submitted that the injury report which has been brought on the record shows that the petitioner has suffered simple injury and considering that the petitioner has remained in jail for about 10 months in connection with this case and the only injury noticed by the doctor is lacerated wound on the right arm which is simple in nature, this Court may enlarge the petitioner on bail on such terms and conditions which may be imposed by this Court.

Learned counsel for the informant has appeared and opposed the prayer for bail of the petitioner. While opposing learned counsel submits that if at all this Court considers granting bail to the petitioner some stringent conditions may be

imposed so that the petitioner who is co-villager of the informant does not indulge in similar kind of occurrence in future.

Learned APP for the State has also endorsed the submission of learned counsel for the informant.

Considering the facts and circumstances of the case and on noticing that the alleged injury caused to the petitioner is on the arm and the same is simple in nature, the petitioner has remained in custody for about ten month and in two cases stated against him he is on bail, this Court directs release of the petitioner on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Shri Prashant Kumar, learned J.M.F.C., Nawada in connection with Roh P.S. Case No. 159 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And in order to address the concern of informant this Court deems it just and proper to impose a condition that after release on bail the petitioner shall keep on marking his presence before the SHO of Roh Police Station in the District of Nawada at least once in every two months. He will provide his contact number and address etc. to the SHO and in case he is required to

go outside the jurisdiction of the Police Station and stay outside he will furnish his complete information to the SHO in this regard. Breach of this condition shall be taken seriously and it will be the duty of the SHO to file an appropriate application to learned court below for cancellation of bail of the petitioner.

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.

Let a copy of this order be also forwarded to the Superintendent of Police, Nawada for appropriate direction.

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'.