

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24115 of 2021**

Arising Out of PS. Case No.-449 Year-2020 Thana- JHAJHA District- Jamui

RAJENDRA YADAV S/o- Pokhan Yadav Resident of Village- Domay, P.S.-
Jhajha, Dist.- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Adv
For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 24-11-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner seeks regular bail in connection with Jhajha
P.S. Case No. 449 of 2020 registered for offences punishable
under Sections 341, 323, 506/34 of the Indian Penal Code and
Sections 25(1-b)a/26/27/35 of the Arms Act.

Prosecution case in brief is that on 25.12.2020, when
the informant was at his village Sugwauran with Balki Yadav
near the house of Shambhu Yadav, ten persons came on car and
motorcycle and started beating the informant. It has been
alleged that accused Rajendra Yadav (petitioner) assaulted with
country-made pistol on the head of the informant. It has further
been alleged that Rajendra Yadav caught with country-made
pistol in his hand and other accused persons fled away firing



with their arms.

Learned counsel appearing on behalf of the petitioner submits that the allegation made in FIR is false. He further submits that nothing was recovered from the conscious possession of the petitioner rather he has been roped in a false case. In this regard, he submits that from the bare perusal of the seizure list it appears that the same is a table work of the police officer and the two independent witnesses are the police personnel. The very legality of the seizure list is doubtful and the same does not contain the signature of the petitioner neither it was handed over to the petitioner. Learned counsel on behalf of petitioner has made specific statement in paragraph no. 7 to substantiate his submission. He further submits that petitioner is in custody since 26.12.2020.

Learned A.P.P., however, opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, submission made by the learned counsel on behalf of the petitioner as well as perusal of the FIR and the seizure list it appears that petitioner has made out a ground to be released on bail. Let the petitioner above named, be released on bail upon furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand)



with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jamui in connection with Jhajha P.S. Case No. 449 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

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

(Purnendu Singh, J)

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