

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28086 of 2020**

Arising Out of PS. Case No.-35 Year-2019 Thana- JAMHOR District- Aurangabad

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Bijendra Singh @ Bijendra Yadav, male, aged about 49 years, S/o Muneshwar Yadav, Resident of Village-Gijana, P.S.-Jamhore, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Advocate
For the State : Ms. Anita Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 25-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Lal Bahadur Singh, learned counsel for the petitioner and Ms. Anita Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Jamhore PS Case No. 35 of 2019 dated 01.04.2019 (G.R. No. 564 of 2019), instituted under Sections 147/ 148/ 149/ 341/ 323/ 325/ 307/ 302 of the Indian Penal Code and 27 of the Arms Act, 1959.

4. The allegation against the petitioner is of assault on the family members of the informant and also of firing on one person by co-accused Binda Yadav resulting in his death.

5. Learned counsel for the petitioner submitted that



there is general and omnibus allegation against the petitioner and the direct allegation of firing is against another co-accused. Learned counsel submitted that upon investigation, it transpired that the petitioner was not even present at the place of occurrence due to which the police had submitted final form against him not sending up for trial, but the Court below differing from the same, has taken cognizance against the petitioner also. Learned counsel submitted that there is only one other case against the petitioner, that too, of the year 2002 and after that he has not been made accused in any other case.

6. Learned APP submitted that there is allegation against the petitioner also of assault and other family members of the informant have also been injured. However, she could not controvert that the police has found substance in the defence of the petitioner that he was not even present at the scene of occurrence and, thus, had not sent him up for trial.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of



the learned C.J.M., Aurangabad in Jamhore PS Case No. 35 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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