

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36596 of 2020

Arising Out of PS. Case No.-108 Year-2015 Thana- BELHAR District- Banka

KALI YADAV Son of Tejo Yadav Resident of Village- Banjama, P.S.- Jhajha,
District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

19 23-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Belhar PS Case No. 108 of 2015 registered under Sections 147, 148, 149, 387, 504, 506 of the IPC and Section 27 of the Arms Act. Earlier his prayer was rejected in Cr. Misc. No. 41324 of 2018 on 25.07.2018.

It is the informant's case that several persons, including the petitioner, have visited the locality and intimidated people demanding *rangdari*. Specific demand from informant is also alleged. Against the petitioner, there is also allegation that he had called on the mobile phone for similar demand.

Learned Counsel for the petitioner submits that merely for his antecedents the petitioner has been implicated in this case. Submission is that during investigation alleged mobile, from which



the petitioner has called as per FIR, has not been investigated to determine whether it belongs to the petitioner or not. Other co-accused similarly situated namely Arbind Yadav, Jagarnath Yadav and several other persons as per details contained in para 11 of the petition, have been allowed bail. No sanction has been accorded for prosecution under the U.A.P. Act and charges have still not been framed. Submission is that investigation is not by a competent officer and therefore there is no compliance with the mandatory provisions contained in U.A.P. Act. Under such circumstances the petitioner continues to be in custody in connection with this case since 9.6.2017, which has wrongly been mentioned as 9.1.2017 in paragraph 10 of the bail petition due to inadvertent typographical error.

Learned APP has opposed the prayer for bail. She has submitted that the petitioner is accused in several cases namely 22.

Learned Counsel for the petitioner submits that except three including this case, he is on bail in all other cases.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM Banka in Belhar PS Case No. 108 of 2015 subject to the following conditions:-

(i) 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.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

