

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 36589 of 2020**

Arising Out of PS. Case No.-172 Year-2012 Thana- MOKAMAH District- Patna

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JAINU YADAV @ JAINARAYAN YADAV Son of Ram Bharose Yadav
Resident of Village- Kanhaipur, Gahil Asthan, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Santosh Kumar Jha, Advocate

For the Opposite Party/s : Ms Suman Kumari Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 23-02-2021 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in Mokama Police Station
(for brevity, *PS*) Case No 172 of 2012 dated 15.10.2012
instituted for the offence punishable under Sections 147, 148,
149, 447, 302, 435, 427 of Indian Penal Code and Section 27 of
Arms Act.

Prosecution case alleges indiscriminate firing by the
accused persons with specific attribution against co-accused
Mahesh Yadav of causing injury on the temporal region of the
father of informant who later succumbed to his injuries.

It is submitted that the post mortem report also
corroborates one single gunshot injury. The allegation of



indiscriminate firing is, therefore, baseless. The petitioner is in custody since 05.02.2020 and other co-accused, namely, Ballam Yadav and Sudhir Yadav have already been allowed bail by this Court in Cr Misc No 29894 of 2013 and Cr Misc No 5707 of 2013 respectively.

Learned APP has opposed the prayer for bail. He has submitted that though the case is of 2012, the petitioner is in custody in connection with this case, upon his remand from another case.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IV, Barh, District - Patna in Mokama PS Case No 172 of 2012 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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