

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2105 of 2021**

Arising Out of PS. Case No.-307 Year-2020 Thana- LAXMIPUR District- Jamui

SHIVNANDAN YADAV S/o Sitaram Yadav R/o village- Ketru Nawada, P.S.-
Gidhaur, District- Jamui Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 27-04-2021 Heard learned counsel for the petitioner and Mr.
Damodar Prasad Tiwary, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Luxmipur P.S. Case No. 307 of 2020 registered for the offences punishable under Sections 147, 148, 149, 307, 353 & 447 of the Indian Penal Code, Section 27 of the Arms Act, Section 3/4 of Prevention of Damage of Public Property Act, 1984, Section 26(2) of the Bihar Public Land Encroachment Act, 1956 and Indian Forest Act 1927 and Section 33 & 15 of Environment Protection Act.

Learned counsel for the petitioner submits that the informant received information over phone that 9 FIR named accused persons and 15-20 unknown accused persons have come with gun on motorcycle and tractor to plough and cultivate the field of Forest Department. Thereafter villagers tried to stop them but they started firing. Thereafter, police reached there and apprehended two accused persons namely Narendra Yadav and Shivnandan Yadav (this



petitioner) rest accused persons managed to escape.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no arm or ammunition has been recovered from the possession of the petitioner. It is further submitted that co-accused Narayan Yadav has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 5405 of 2021. The petitioner has remained in jail in connection with this case since 08.08.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case and the submission that no arms or ammunition has been recovered from the possession of this petitioner when he was arrested with Narayan Yadav, co-accused Narayan Yadav has already been granted bail by a learned Co-ordinate Bench of this Court in Cri Misc. No. 5405 of 2021, the petitioner has remained in jail in connection with this case since 08.08.2020 and he has otherwise no criminal antecedent, let the petitioner be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Sri. A.K. Raj, learned Judicial Magistrate, 1st Class, Jamui, in connection with Luxmipur P.S. Case No. 307 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

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'.

