

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7879 of 2021

Arising Out of PS. Case No.-74 Year-2017 Thana- PARAIYA District- Gaya

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JAIRAM YADAV SON OF RAGHO YADAV R/O VILLAGE- TOLPURA,
P.S.- BANDEYA, DISTRICT- AURANGABAD.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Adv

For the Opposite Party/s : Mr. Yogendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-08-2021 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 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 connection with Paraiya P.S. Case No. 74 of 2017 registered under Sections 302, 387 and 34 of the Indian Penal Code and Section 17 of C.L.A. Act.

There is an allegation that the petitioner has made a



demand for *rangdari* from the informant using the mobile phone of somebody else. The petitioner has threatened that money has to be paid failing which the works will come to a halt.

It is submitted by learned counsel for the petitioner that the petitioner has been implicated only on suspicion. The implication is due to several antecedents of the petitioner as per disclosure made in paragraph 3 of the bail application. He submits that petitioner is on bail in all the said cases. The submission is that in this case he is in custody since 9.9.2019. Two co-accused Ramdayal Malika and Sanjay Yadav have been allowed bail in Cr. Misc. no. 57865/2017 order dated 10.11.2017 and Cr. Misc. no. 25221/2018 order dated 8.5.2018 respectively. The further submission is that there is no examination of even the call details to ascertain the veracity of the allegation.

Matter has earlier adjourned to enable the learned APP to go through the case diary to assist the Court properly.

The learned APP submits that he does not dispute the submission of the petitioner's counsel that the call details have not been examined to verify veracity of the allegation. He, however, relied upon the statement of the informant and the material in paragraph 17 of the case diary suggesting towards the petitioner's implication.



Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. 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 learned Judicial Magistrate, 1st Class, Gaya in Paraiya P.S. Case No. 74 of 2017, 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.

(Madhuresh Prasad, J)

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