

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7334 of 2021

Arising Out of PS. Case No.-154 Year-2019 Thana- TATARPUR District- Bhagalpur

Birju Yadav, S/O Late Sadari Yadav, Resident Of Village - Urdu Bazar, P.S. -
Tatarpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-07-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with
Tatarpur P.S. Case No.154 of 2019 registered for the offence
punishable under Sections 307, 120B of the Indian Penal Code
and Section 3/4 of the Explosive Substances Act.

There is an allegation that co-accused Raja Ram
Kumar Singh and Abhimanyu Kumar Singh have from jail



conspired and as a result, the instant petitioner has hurled bomb upon the informant while she had gone to purchase vegetables.

Counsel for the petitioner submitted that between the informant and co-accused Raja Ram Kumar Singh and Abhimanyu Kumar Singh, there is a subsisting land dispute. The offence under Section 307 I.P.C. is not attracted as no one has sustained injury. There is alleged recovery of pieces of tin and stone chips from the place where bomb was exploded. There was no blackening mark found at the place of occurrence. The petitioner is in custody since 25.11.2019 and is on bail in Tatarpur P.S. Case No.286 of 2019.

Learned APP for the State has opposed the prayer for bail. He, however, is not in a position to controvert the submission that no one has sustained any injury or that there is no eye-witness to the alleged explosion of bomb done at a public place.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned A.C.J.M.-VII, Bhagalpur, in



connection with Tatarpur P.S. Case No.154 of 2019, 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.

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

(Madhuresh Prasad, J)

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