

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7325 of 2021

Arising Out of PS. Case No.-183 Year-2019 Thana- MANSI District- Khagaria

=====

Bittu Yadav Son of Haribansh Yadav, R/o Village- Rajajan, (Chukti), P.S.-
Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Om Prakash Prasad, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-06-2021 In view of sudden surge 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 Mansi P.S. Case No. 183 of

2019 registered for offence punishable under section 394 of the

Indian Penal Code.

It is alleged that while the informant was returning

home after closing accounts of petrol pump, the petitioner along



with other accused persons snatched Rs.13,40,085/- from him on pistol point.

Learned counsel for the petitioner submits that the petitioner has been implicated in this case falsely on account of previous enmity, as his uncle was killed by the informant's father and for that Mansi P.S. Case No. 63 of 1990 has been instituted against the informant's father and his family members. The petitioner's counsel further submits that the petitioner and the informant are agnates and there is land dispute between them. He further submits that there is no recovery from the petitioner, he has become a victim of circumstances and other similarly situated persons have already been granted bail by the Court below which has been mentioned in paragraph 5 of the bail application. He also submits that the petitioner himself surrendered before the Court below on 18.01.2019 and since then he is in judicial custody.

The petitioner is on bail in the five criminal cases pending against him since before. Three out of these five cases are at the instance of family members of the same prosecution party.

Learned APP has opposed the prayer for bail.

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 learned Additional Chief Judicial Magistrate-III, Khagaria in Mansi P.S. Case No. 183 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 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)

Mahesh/-

U		T	
---	--	---	--

