

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9409 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- SONBERSA District- Saharsa

Bechan Yadav @ Bechan Kumar, aged about 25 years, male, Son of Ashok Yadav Resident of Village - Shahpur, P.S.- Sonbarsa Raj, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 08-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in Sonbarsa Raj PS Case No. 118 of 2020, instituted for the offence under Sections 341, 323, 324, 307, 384, 385, 379, 504, 506/34 of the Indian Penal Code.

The allegation in the First Information Report (for brevity



‘FIR’) is that the petitioner along with two named accused persons and 5 to 7 unknown have entered the shop of the informant and taken away 1,20,000/- Rs. at pistol point and they have also looted some mobile phones.

Submission on behalf of the petitioner is that FIR is product of concoction. In fact, there was an altercation between the parties on the spur of moment when the informant refused to return the charger purchased by the petitioner even though it was suffering with manufacturing defects. In such circumstances, the FIR has been lodged making all kinds of false allegations. The same are not supported even by the injury report which opines the injuries to be simple in nature. The petitioner has one criminal antecedents and, after his implication in the instant case, he has been remanded in one more case. He is in custody since 26.09.2020. There is no recovery of either any money or stolen mobile from petitioner’s possession and the factum of refusal to return the defective charger being the basis of the occurrence has come consistently during the investigation.

The learned APP representing the State has opposed the prayer for bail. It is submitted that there is specific allegation of assault and the informant has sustained injuries.



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 bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Sonbarsa Raj P.S. Case No. 118 of 2020, 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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