

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2527 of 2022

Arising Out of PS. Case No.-478 Year-2020 Thana- GOPALPUR District- Bhagalpur

Jaggan Yadav S/o Ganesh Yadav @ Ganeshi Yadav R/o village- Tintanga
Karar, P.S.- Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 07-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Gopalpur P.S. Case No. 478 of 2020, registered for the

offences punishable under Sections 147, 148, 149 and 302

of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story as emerges from the F.I.R.

is that the petitioner along with his associates had killed the

victim by firing upon him.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that there is no specific



allegation against the accused-petitioner for assaulting the alleged victim and the direct allegation is only against co-accused, Sonu Yadav and Chhotu Yadav. He also submits that there is general and omnibus allegation against the present accused-petitioner. He further submits that the investigation in this case is complete and charge-sheet has already been submitted and the petitioner has been languishing in jail since 01.09.2021, i.e., for more than one year.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in one more case, namely, Gopalpur P.S. Case No. 113 of 2010.

Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature. However, he fairly concedes that there is no specific allegation against the accused-petitioner in the F.I.R.



Considering the aforesaid facts and circumstances, particularly the nature of allegation and the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M., Naugachia, Bhagalpur, in connection with Gopalpur P.S. Case No. 478 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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