

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7340 of 2022

Arising Out of PS. Case No.-278 Year-2008 Thana- BARACHATTI District- Gaya

Tara Yadav @ Bhagwat Yadav Son Of Vigan Yadav Resident Of Village -
Ghaighri, P.S. - Bashistha Nagar, District - Chatra (Jharkhand).

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-07-2022 Heard Mr. Sharda Nand Mishra, learned counsel

appearing on behalf of the petitioner as well as learned

Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Barachatti P.S. Case No. 278 of 2008,
registered for the offences punishable under Sections 147, 148,
149, 427, 435 of the Indian Penal Code and 17 C.L.A. Act.

As per the prosecution case, it is alleged that
on 4.10.2008, the petitioner along with 60-65 unknown
miscreants came and burnt the Airtel Tower and set fire the
control room and diesel generator set.

It is submitted by the learned counsel for the
petitioner that there is general and omnibus allegation



against 17 FIR named accused persons and 60-65 unknown extremists and no specific allegation of overt act has been levelled against the petitioner. It is further submitted that during the course of investigation, after submission of the charge sheet no process has been served to the petitioner and when he was arrested in connection with Barachatti P.S.Case No. 19 of 2005, he was remanded in the present case on 06.09.2021 and since then he is in custody. It is also submitted that petitioner was not even aware with regard to the present case as he was residing at Chatra in Jharkhand and doing some labour work. It is lastly submitted that the petitioner is ready to give undertaking that he will co-operate in the trial and will remain present.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that this case is of 2008 and the petitioner remained absconder and has also found involved in two other cases.

Having heard the rival contentions of the parties and taking into consideration the general and omnibus nature of allegation against the petitioner and moreover, he is in custody since 06.09.2021 as also his undertaking that



he will remain present on each and every date, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 278 of 2008 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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