

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8615 of 2022

Arising Out of PS. Case No.-119 Year-2019 Thana- AKBARPUR District- Nawada

Sakaldeo Yadav @ Sakaldeep Yadav S/o Late Bharat Yadav @ Bharat R/o
village- Mastanganj, P.S.- Akbarpur, District- Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 448, 427, 379, 307, 504 of the Indian Penal Code and Section 26/27 of the Arms Act.

As per F.I.R. while accused petitioner was constructing the roof of his house, informant protested the same and it is alleged that accused persons including the petitioner caught hold of the informant and one Raj Pal Singh fired which hit on the car of the informant, causing injury to him.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that it appears from the F.I.R. that there is direct allegation of firing against co-accused Rajpal Yadav and the allegation against co-accused persons Bulak Yadav @ Umesh Yadav that he caught hold of the informant. Learned counsel for the petitioner submits that there is general and omnibus allegation against the petitioner and there is case and counter case between the parties. He further submits that co-accused person namely Ramadhin Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 27.09.2019 in Cr. Misc. No. 47610 of 2019, another co-accused namely Rajpal Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 24.11.2021 in Cr. Misc. No. 63370 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Akbarpur P.S. Case No. 119 of 2019, with the following conditions

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(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation 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.

(Rajesh Kumar Verma, J)

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