

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9649 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- MANIHARI District- Katihar

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SAHEB YADAV SON OF LATE PERMESHWAR YADAV R/O VILLAGE-
MIRJAPUR, P.S.- MANIHARI, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Manihari P.S. Case No. 206 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 364, 302, 201, 307,
386, 387, 120B of the Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, there is previous land
dispute between the parties with regard to possession of same.
Accused persons of this case wanted to dispossess the



informant's side forcibly. It has been stated that on 18.09.2021 the uncle of informant namely Sunil Yadav, Mahesh Yadav and Dinesh Yadav were going to their field to plant Kalay crop, where accused persons named in the F.I.R. including the petitioner and others surrounded the informant and others and co-accused Bipin Yadav made firing upon uncle of informant Mukesh Prasad Yadav and co-accused Ram Niwas Yadav fired upon Sunil Yadav by pistol. It is alleged that the present petitioner is alleged to be order giver.

Learned counsel for the petitioner submits that petitioner is in custody since 09.10.2021. Petitioner bears criminal antecedent of two cases in which he is on bail. Charge-sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. Learned counsel for the petitioner further submits that the petitioner is quite innocent and has committed no offence at all. The name of petitioner has been dragged in the case only for the reason that he happens to be family member of co-accused persons and the entire family members have been dragged in the case merely on suspicion on the basis of fabricated story of threatening on account of land dispute. He further submits that nothing specific has been alleged against the petitioner and there is specific



allegation of firing against co-accused Bipin Yadav and Ram Niwas Yadav. As per F.I.R., the petitioner is alleged to be an order giver and nothing else.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation, charge-sheet has already been submitted and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 206 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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