

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11170 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- BHEJA District- Madhubani

BIREN YADAV @ BIRENDRA YADAV @ BIRENDRA KUMAR YADAV
S/O SATAN YADAV R/o village- Koriaghat, P.S.- Bheja, District- Madhubani

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bhaskar Shankar, Adv.

For the Opposite Party : Mr.Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bheja P.S. Case No. 47 of 2021 (CRI No. 903 of 2021) lodged
under Sections 341, 323, 324, 307, 302, 504 and 506/34 of the
Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioner submits that
petitioner is in custody since 19.07.2021. He further submits
that charge sheet has already been filed in this case and
petitioner having clean antecedent. He further submits that from
the F.I.R., itself it transpires that there is a dispute between the
parties for construction of house on the disputed land. He
further submits that in total 24 named and 10 to 15 unnamed
persons were made accused. He further submits that there is

specific allegation upon Mahesh Yadav to attack by iron rod on Sunil, whereas specific allegation against Suresh Yadav to fire on the brother of informant Lalan Yadav, against rest there is general and omnibous allegation.

Learned A.P.P. has opposed the prayer for bail.

In the present facts and circumstances that there is no specific allegation against the petitioner, general and omnibous allegation against the petitioner. Charge sheet has already been submitted, petitioner is in custody since 19.07.2021 having no criminal antecedent and also this aspect that two similarly situated co-accused have been granted bail from the Co-ordinate Bench of this Court vide order dated 17.05.2022 passed in Cr. Misc. No. 22884 of 2022, let the petitioner above named, be granted bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist., Jhanjharpur, Madhubani in connection with Bheja P.S. Case No. 47 of 2021 (CRI No. 903/2021), subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J)

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