

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10035 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- SIRDALA District- Nawada

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VINDESHWAR PRASAD YADAV SON OF LATE PUNA YADAV R/O
VILLAGE - GAMBHIRA, TOLA HAIDARCHAK (O.P. MESKAUR), P.S.-
SIRDALA, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sirdala
(Meskaur) P.S. Case No. 328 of 2021 registered for the offence
under Sections 147, 149, 341, 323, 504 and 364 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.10.2021.

The allegation against the petitioner is to kidnap 04
female from their house alleged to practicing witchcraft, in
order to murder.

Learned counsel appearing on behalf of the petitioner



submitted that from the bare perusal of F.I.R., it appears that offence has not been committed and it was in preparatory stage. It has further been submitted that similarly situated co-accused persons have already been granted bail by a learned co-ordinate Bench of this Court through Cr. Misc. No. 68023 of 2021 dated 20.04.2022. It is pointed out that petitioner is involved in one case, in which, he is on bail. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that occurrence was in preparatory stage, as per F.I.R.

Considering the facts and circumstances as mentioned above, as alleged occurrence was found in preparatory stage itself, as per F.I.R. coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sirdala (Meskaur) P.S. Case No. 328 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Nawada, subject to the following



conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Prasad Santosh Vindeshwa, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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