

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22838 of 2021

Arising Out of PS. Case No.-19 Year-2014 Thana- SAHARSA SADAR District- Saharsa

MANJAY YADAV S/o Jay Narayan Yadav @ Jala Yadav Resident of Village-
Duma, P.S.- Bihar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 24-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 29.11.2020,
seeks regular bail in connection with Saharsa Sadar P.S. Case
No. 19 of 2014, for the offence punishable under Sections 147,
148, 149, 341, 323, 332, 406, 333, 307, 353, 379, 427, 504 and 506
of the Indian Penal Code, Section 3/ 4 of the Prevention of
Damage of Public Property Act, 1984 and Section 10 and 11 of
the Unlawful Activities (Prevention) Act, 1967.

The prosecution case, in brief, is that the dead body
of one Fulchand Yadav was recovered from the premises of



Agriculture College, who was missing last several days, the crowd assembled and raised slogans when the Police reached to pacify the issue, the mob attacked the Police force, caused injury to the Police personnel and damaged the Police vehicle and other government properties.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that no specific overt act has been attributed against the petitioner and nothing incriminating articles have been recovered from the conscious possession of the petitioner. He further submits that other co-accused Jhakash Yadav has already been enlarged on bail by this Court vide order dated 24.09.2015 passed in Criminal Miscellaneous No. 38300 of 2015.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and the fact that there is no allegation of tampering the evidence or influencing the witness and the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19, let the



petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 19 of 2014, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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