

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13797 of 2022

Arising Out of PS. Case No.-25 Year-2016 Thana- BIHARIGANJ District- Madhepura

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Bhushan Yadav, Son of Late Baleshwar Yadav @ Late Balo Yadav Resident
of Village - Siswa (Shishwa), P.s.- Barhara (Raghubansh Nagar O.P.), Distt.-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Bihariganj P.S Case No 25 of 2016, dated 28/02/2016,
registered for the offences punishable under Sections 302
and 34 of IPC and Under Section 27 of Arms Act.

As per allegation, when the father of the informant
after loading cement on the bullock cart along with the wife



of the informant was returning home, six miscreants forcibly pulled him to a maize field and killed him.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation against all the accused persons are general and omnibus in nature. He also submits that the petitioner has been languishing in jail since 14.09.2021 i.e. about 11 months. He further submits that similarly situated co-accused persons, namely, Jay Jay Yadav, Mohan Yadav and Laxmi Mandal have already been enlarged on bail by different Benches of this Court vide orders dated 20.06.2017, 07.07.2017, 15.11.2017 and 21.03.2018, passed in Cr. Misc No. 15438 of 2017, Cr. Misc No. 21149 of 2017, Cr. Misc No. 52108 of 2017 and Cr. Misc No. 9059 of 2018 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made



accused in eight other cases, namely, Barhara (Raghubansh Nagar O.P) P.S Case No. 35 of 2004, Barhara (Raghubansh Nagar O.P) P.S Case No. 24 of 2005, Barhara (Raghubansh Nagar O.P) P.S Case No. 43 of 2014, Barhara (Raghubansh Nagar O.P) P.S Case No. 39 of 2019, Barhara (Raghubansh Nagar O.P) P.S Case No. 119 of 2020, Barhara (Raghubansh Nagar O.P) P.S Case No. 111 of 2021 and Barhara (Raghubansh Nagar O.P) P.S Case No. 27 of 2021

However, the learned APP for the State vehemently opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sri Abhimanyu Kumar J.M. 1st Class, Udakishunganj, District - Madhepura in connection with Bihariganj P.S Case No 25 of 2016, **after farming of charge**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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