

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24039 of 2021**

Arising Out of PS. Case No.-654 Year-2019 Thana- TURKAULIYA District- East
Champaran

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DILIP KUMAR YADAV Son of Chandrika Prasad Yadav Resident of Village-
Jaysinghpur Karamawa, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 22-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Turkauliya P.S.Case No.654 of 2019 registered for the offence
under Sections 341,323,307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Prosecution case is that on the order of the petitioner,
other accused persons fired upon the informant due to which he
received injury in the elbow of his left hand.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. He further submits that it appears from the FIR that the
petitioner is only order-giver. He further submits that the
allegation of overt-act is against co-accused, namely, Bipin



Yadav. He further submits that the police, after investigation, submitted chargesheet against the petitioner and other co-accused persons. He further submits that co-accused, namely, Bipin Yadav has been granted bail vide order dated 16.12.2021 in Cr. Misc. No.22558 of 2021 by this Court and the petitioner is in custody since 05.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Champaran at Motihari in connection with Turkauliya P.S.Case No.654 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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