

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18206 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- NATHNAGAR District- Bhagalpur

SUNIL YADAV, S/o Late Raghunath Yadav R/o village- Golahu, P.S.-
Madhusudanpur (Nathnagar), Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with S.T.
No. 638 of 2021 arising out of Nathnagar (Madhusudanpur)
P.S. Case No. 379 of 2021, registered for the offences
punishable under Sections 147, 149, 323, and 504 of the
Indian Penal Code and Section 27 of the Arms Act.

As per allegation, the petitioner along with his
associates assaulted the informant and his family members,
when they prevented them from mining sand from the land
of one Bhavisya Yadav. Allegation of opening fire by one
Rudal Yadav at the son of the brother-in-law of the
informant is also there.



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 petitioner and informant are *gotiyas* and there is an admitted land dispute between them and to make pressure to settle the dispute, the informant has lodged this false case against the petitioner. Learned counsel for the petitioner further submits that there is specific allegation only against one Rudal Yadav, who has shot fire at the victim, causing grievous injuries. He further submits that similarly situated co-accused, namely, Ramdeo Yadav has already been granted bail by this Court *vide* order dated 13.07.2022, passed in Cr. Misc. No. 4132 of 2022.

The petitioner is languishing in jail since 20.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.



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

Considering the facts and circumstance, 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 Addl Distt & Sessions Judge VIII, Bhagalpur in connection with S.T. No. 638 of 2021, arising out of Nathnagar (Madhusudanpur) P.S. Case No. 379 of 2021 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 any criminal antecedent, 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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