

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36738 of 2021

Arising Out of PS. Case No.-297 Year-2020 Thana- SAHARSA SADAR District- Saharsa

PRABHAKAR YADAV SON OF SAKALDEV YADAV Resident of Village -
Sirwar, P.S.- Mahishi and Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 16-05-2022 The applicant/accused in Crime No. 297 of 2020 registered with Saharsa Sadar Police Station for the offences punishable under Sections 307, 324 of the Indian Penal Code as well as Section 27 of the Arms Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel for the applicant. He argued that applicant is languishing in jail since 03.12.2018 and the subject crime allegedly took place on 02.04.2020. As such, it cannot be said that the applicant is in anyway concerned with the subject crime. He further submits that even otherwise after completion of investigation, the applicant is entitled to be released on bail.

The learned Additional Public Prosecutor opposed the application.

According to the prosecution case, Santosh Kumar



Suman a police personnel was entrusted with the guard duty at Saharsa Stadium. On 02.04.2020 at about 10:00 AM he was going outside the Stadium for having lunch. At the corner of the road, one person came on the motorcycle and fired a bullet at him causing injury to him.

The applicant who was undergoing pre-trial detention in some other case at the time of the offence is remanded to the instant crime on the ground that he had conspired in the subject offence.

The investigation of the subject crime is over. At the time of the incident the applicant was in custody in some other crime. Prima facie there is no evidence worth mentioning against the applicant. Therefore though the applicant is having few criminal antecedents, the application deserves to be allowed with the following order:-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 297 of 2020 registered with Saharsa Sadar Police Station for the offences punishable under Sections 307, 324 of the Indian Penal Code as well as Section 27 of the Arms Act, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the



trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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