

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39103 of 2021**

Arising Out of PS. Case No.-58 Year-2019 Thana- BITHAN BAZAR District- Samastipur

GOHAL YADAV, S/O BUCHI YADAV R/o Village/Mohalla- Kua, P.S.-
Bithan, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vivek Anand Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P.

Mr. Vikash Kumar, SC-11

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

11 21-04-2022 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 seeks regular bail in connection with
Bithan P.S. Case No. 58 of 2019, for the offence punishable
under Section 399 and 402 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story in brief is that on 06.07.2019,
the informant received secret information regarding gathering of
miscreants in the house of petitioner under the guidance of co-
accused Chandan Yadav to commit heinous crime. Thereafter,
informant along with other Police personnel raided the house of
petitioner. On seeing the Police personnel 6-7 persons tried to



flee away, but on chase four persons were apprehended. On search, country made pistols and other materials recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the possession of the petitioner. However, due to gang rivalry, the petitioner has been implicated in this case. Although, nine cases are pending against the petitioner. The petitioner is in custody since 27.11.2020 as such he may be released on bail on any condition imposed by this Court.

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, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned A.D.J-II-cum-Special Judge, Excise, Samastipur in connection with Bithan P.S. Case No. 58 of 2019, 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.

(5) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

