

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39693 of 2021

Arising Out of PS. Case No.-250 Year-2020 Thana- SALAKHUA District- Saharsa

PINTU YADAV Son of Sikendar Yadav Resident of Village- Tengraha, P.S.-
Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Sharma, Adv
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP
For the Informant	:	Mr. Binod Kumar Singh, Adv
	:	Mr. Ashok Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Salkhua P.S.Case No.250 of 2020, registered for the offence under Sections 342,307,379,504,506,34 of IPC and 27 of Arms Act.

The prosecution case, in short, is that on the basis of a written petition of one Ranjeet Kumar whereunder he is said to have stated invariably that he works at Krishna Dharm Kanta i.e. weighing station in his village Mali. At about 8.00 P.M. on 14.10.2020 the named accused Pintu Yadav of village



Kengaraha came to him by a bike and made him sit on his bike saying that he is going to hold talks of marriage and took him to the west of village Thadhia. There he stopped his bike and made him get off from the bike. Another accused Pankaj Yadav was standing there alongwith two other armed accused persons. They tried to tie the knot around his neck by a Gamcha. Pankaj Yadav took his Samsung Galaxy mobile and Rs.7000/-. In the meantime Pintu Yadav pumped a bullet in his back. He fell down on the ground in an unconscious stage. The accused persons held him to be dead and went off. After some time he anyhow reached to the house of Md. Miraj. People present there helped him and informed his co-villagers Pankaj Yadav, Ajay Yadav and other who took him to Sobnbarsha Rai for his treatment where from he was referred to Patna.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the date of occurrence as alleged in the FIR was 14.10.2020 and the present FIR has been instituted on 15.11.2020 after a month on explanation that he was under treatment. He further submits that the petitioner and the informant are the close relatives and the petitioner has falsely



been implicated in this case. He further submits that there is no eye witness of the alleged occurrence and the police, after investigation, submitted chargesheet against the petitioner and other co-accused persons and the petitioner is in custody since 22.02.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Saharsa in connection with Salkhua P.S.Case No.250 of 2020 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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