

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40904 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- NADI District- Supaul

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DILIP KUMAR YADAV @ DILIP YADAV S/O BRAHMDEO YADAV R/O
VILLAGE-KYOTAPATTI, WARD NO.01, P.S AND DISTRICT-SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Supaul Nadi P.S. Case No. 11 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 307, 332, 333, 353, 224, 325 of the IPC and Sections 25(1-b)a, 26, 27 of the Arms Act.

The gist of the prosecution case is that during night patrolling the informant received information that some



criminals made firing to terrorize the villagers and when he along with other police officials reached there, 20-25 miscreants attacked on the police party. It is further alleged that one live cartridge, two empty cartridges, mobile, three motorcycles and a bolero jeep were recovered from the place of occurrence.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that allegation of assault is against co-accused Pardip Yadav and Shailendra Yadav. He further submits that there is general and omnibus allegation against the petitioner. He further submits that there is nothing specific against the petitioner. It appears from the FIR that one 9 mm live cartridge has been recovered from possession of the petitioner. He further submits that co-accused Sunil Yadav has been granted bail by the court below itself. He further submits that police after investigation submitted charge sheet against the petitioner and several other co-accused persons and the petitioner is in custody since 09.02.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail submitting that petitioner carries four criminal cases.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Supaul/ Incharge Successor Court in connection with Supaul Nadi P.S. Case No. 11 of 2021, G.R. No. 248 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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