

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41678 of 2021

Arising Out of PS. Case No.-131 Year-2012 Thana- KHAIRA District- Jamui

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NARESH YADAV S/o Dharam Yadav R/o village- Bishanpur, P.S.-
Charkapathar, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-02-2022 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 Khaira P.S. Case No. 131/2012 registered for the offences punishable under Sections 147, 148, 149, 353, 307, 302 of the IPC, 27 of the Arms Act and Section 3, 4 of Explosive Substance Act, Sections 16, 17, 18, 19, 20, 21, 22 of UAPA Act.

As per prosecution case, while the informant along with other police officials proceeded for investigation and arrived at Gidheshwar temple near Laldaiya, all of sudden firing started in which three police personnel sustained firearm injury.



Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons. There is no specific allegation against the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. Petitioner is in custody since 22.04.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries nine criminal antecedent.

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, Jamui in connection with Khaira P.S. Case No. 131/2012, 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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