

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33592 of 2022

Arising Out of PS. Case No.-553 Year-2021 Thana- SAUR BAZAR District- Saharsa

Devanand Yadav Son of Narayan Yadav @ Satyanarayan Yadav Resident of
Village - Rauta Bansi, P.S.- Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rashmi Jha, Adv.
	:	Mr. Yogesh Chandra Verma, Adv.
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-11-2022 Let the defect(s), if any, be removed within two weeks from today.

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

The petitioner seeks regular bail in connection with Sour Bazar P.S. Case No. 553 of 2021 lodged under Sections 147, 148, 149, 307 of the I.P.C. and 27 of the Arms Act.

As per the prosecution case, the present case has been lodged against in total 6 unknown accused persons including the petitioner with the allegation that he is the husband of *mukhiya* candidate were making fire along with his 8-10 supporters upon search police caught 3 persons from whose possession, cartridges were recovered but the present petitioner and others were not apprehended by the police from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is named in the F.I.R. and there is allegation against

him to make earlier fire along with others but he was not apprehended by the police, but 3 other persons were apprehended and upon their confessional statement, the name of the petitioner has been figured in this case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 01.11.2021 and nothing recovered from possession. He also submits that there are 26 criminal cases pending against him and in which he has been acquitted in many of the cases and in rest of the cases, he is on bail. Learned counsel submits that it is true that criminal case history of the petitioner is bad but in the present case there is no material against the petitioner. He submits that neither Section 307 of I.P.C. constituted nor Section 27 of Arms Act made out against the petitioner.

Learned counsel for the State opposes the prayer for bail and submits that antecedent of petitioner is not clean.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa

in connection with Sour Bazar P.S. Case No. 553 of 2021,
subject to the conditions as laid down under Section 437(3) of
Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall
appear physically before the lower court on each and every date
fixed, in case of non-appearance for two consecutive dates
without sufficient cause, shall be resulted into cancellation of
his bail bond.

B. One of the bailors shall be close relative who shall
file affidavit before the court about his relationship with the
petitioner.

C. The petitioner shall file an affidavit at the time of
furnishing of bail bond that he shall not involve in such criminal
activity during the continuance of present bail bond, violation of
this condition shall be resulted into cancellation of his present
bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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