

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44744 of 2021**

Arising Out of PS. Case No.-9 Year-2007 Thana- ATRI District- Gaya

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JAI MANGAL YADAV @ BINOD PRASAD Son of Gariban Yadav Resident
of Village- Sheikhpura, P.S.- Neemchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 11-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 22.02.2021,
seeks regular bail in connection with Atri P.S. Case No. 9 of
2007 for the offence punishable under Sections 147, 148, 149,
302, 452, 380, 379 and 427 of the Indian Penal Code, Section 27
of the Arms Act, Section 17 of the CLA Act and Sections 3 and
4 of the Explosive Substance Act.



The prosecution case, in brief, is that around 200 miscreants are said to have blown the house of the informant by exploding dynamite and gunned down one Bandhu Yadav and also looted cash, jewellery and cereals of the informant. Petitioner is said to have been identified by the villagers during the course of occurrence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to dirty village politics and animosity. Nothing has been recovered from conscious possession of the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent and he is in custody since 22.02.2021. Similarly situated co-accused namely Vinod Yadav, Shyamdeo Ram @ Bhola Ram and Satendra @ Sato Prasad have been granted regular bail by different co-ordinate Benches of this Court vide orders dated 30.09.2020, 13.02.2019 and 11.12.2018 passed in Cr. Misc. Nos. 25748 of 2020, 66106 of 2018 and 69893 of 2018 respectively.

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, period of custody of the petitioner, nothing has been recovered from conscious possession of the petitioner and similarly situated co-accused persons have been granted bail by different co-ordinate Benches of this Court, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Gaya in connection with Atri P.S. Case No. 9 of 2007, 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.

The court below is directed to verify the criminal antecedent of the petitioner and if it is found that incorrect



**statement has been made in Para-3 of the present bail
petition regarding the criminal antecedent of the petitioner,
his bail bonds shall be cancelled.**

(Purnendu Singh, J)

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