

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 47523 of 2021**

Arising Out of PS. Case No.-303 Year-2019 Thana- CHAUTHAM District- Khagaria

BHUJAL YADAV @ TEJO @ TEJ NARAYAN YADAV Son of Narsingh
Yadav Resident of Village - Sonbarsha, P.S. - Choutham, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Roshan Kumar Mishra, Advocate

For the Opposite Party/s : Mr Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Chautham Police Station
(for brevity, *PS*) Case No 303 of 2019 dated 14.12.2019, GR No
3652 of 2019 instituted for the offence punishable under
Sections 147, 148, 149, 341, 307, 504, 506, 427, 385 of Indian
Penal Code and Section 27 of Arms Act.

10 persons have allegedly started ploughing the
informant's field. The informant has received information at
around mid night and rushed to the field where he objected to
the sowing activity being undertaken by the petitioner and other
co-accused persons. The accused persons allegedly started



abusing and firing upon the prosecution party.

Learned counsel for the petitioner submits that specific allegation of firing is upon co-accused Rinkesh Yadav, Sarvin Yadav and Pandav Yadav. The petitioner is accused based on general and omnibus allegations. The custody of the petitioner now is more than a year, i e, since 20.01.2021. The petitioner is already on bail in the four cases in which he has earlier been made accused falsely.

The learned APP has opposed the prayer for bail.

The Court would find that the First Information Report contains specific allegation only against three co-accused Rinkesh Yadav, Sarvin Yadav and Pandav Yadav. The petitioner has been in custody for more than a year with no specific allegation against him in this case. Charge sheet has already been submitted and the investigation is complete. There is no chance of tempering with the evidence.

Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Judicial Magistrate, 01st Class, Khagaria in Choutham PS Case No 303 of 2019 dated 14.12.2019, GR No 3652 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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