

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38322 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- JHAJHA District- Jamui

Bishwanath Yadav Son of Late Muni Yadav Resident of Village - Kathara
Tanr, Police Station- Jhajha, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Pramod Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Jhajha P.S. Case No. 22 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the petitioner is said to be an order giver and thereafter indiscriminate firing was made by the other accused persons, and they also assaulted the informant and his son due to which the son of the informant received



injuries on head.

Learned counsel appearing on behalf of the petitioner submits that so far the other accused persons against whom there was general and ominous nature of allegation has been leveled, they have been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 40528 of 2021 vide order dated 28.04.2022, however, having found the petitioner as an order giver his prayer for anticipatory bail was rejected by the order aforesaid. He next submits that save and except the allegation of order giver, there is no allegation of any overt act against the petitioner and now he is in custody since 19.05.2022. He also submitted that prior to the institution of this case, the petitioner is made accused in two other cases, however, in both the cases, the petitioner is on bail as has been categorically stated in paragraph no 3 of the bail application.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that other co-accused persons against whom there was general and ominous nature of allegation, they have been



allowed the privilege of anticipatory bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 22 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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