

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39588 of 2022

Arising Out of PS. Case No.-465 Year-2021 Thana- KHAIRA District- Jamui

1. JAGO YADAV S/o Kesho Yadav R/o village- Chaukitand, P.S.- Khaira, District- Jamui
2. Lalan Yadav S/o Baiju Yadav R/o village- Chaukitand, P.S.- Khaira, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mala Sinha, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-10-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is in judicial custody in connection with Khaira P.S. Case No. 465 of 2021 for the offences under Sections 147, 148, 149, 153(A), 302, 504 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant along with his father on their motorcycle were going for treatment of patients. However, while on return journey, Ram Yadav, Bharat Yadav, Rajesh Yadav, Sibbu Yadav, Jago Yadav, Lalan Yadav,



Vijay Bhagat, Subhash Yadav and five others armed variously surrounded them and started abusing. Further, accused persons resorted to firing on father of the informant. When the informant tried to run away, accused Basuli Yadav (the petitioner herein) fired on him but it did not hit him. Later his father was taken to hospital where he succumbed to injuries. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that specific allegation is against Ram Yadav, Bharat Yadav, Rajesh Yadav and Sibul Yadav of having resorted to indiscriminate firing on the father of the informant. So far as these petitioners are concerned, it is alleged that they caught hold of informant's father.. It is further submitted that the petitioners are in custody since 23.03.2022 (as stated in paragraph-14 of the bail application).

Taking into account the fact that allegation of firing is against the aforesaid four accused persons, Ram Yadav, Bharat Yadav, Rajesh Yadav and Sibul Yadav and so far as these petitioners are concerned, they are said to have caught hold of the informant's father, are in custody since 23.03.2022, charge sheet stands submitted, this Court is inclined to grant them privilege of bail, subject to certain conditions in view of the fact



that they have criminal antecedent.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 465 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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