

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38513 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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BINOD YADAV S/O RAJENDRA YADAV Resident of Village- Korla, P.S.-
Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate.
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Randhir Kumar No.1, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Begusarai Mufassil P. S. Case No. 66 of
2022 registered for the offences punishable under Sections 147,
148, 341, 323, 307, 504 and 506 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case is based on a written



complaint filed by the informant alleging therein that on 05.02.2022, while her son was coming after attending Saraswati Puja, in the meantime, all the F.I.R. named accused persons surrounded and started assaulting him. On being heard the hulla, the husband of the informant went to the place of occurrence, whereupon, co-accused, namely, Kari Yadav and Shambhu Yadav took out their pistols from their waists and fired upon him due to which her husband sustained one firearm injury. It is also alleged that, thereafter, all the accused persons fled away from the place of occurrence. It is also alleged that this petitioner had threatened the informant and her husband just four hours prior to the alleged occurrence.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it would be evident that no allegation of any overt act has been attributed against the petitioner rather the author of the injury is said to be co-accused Kari Yadav and Shambhu Yadav. It is also submitted that even during the course of investigation, the independent witnesses have falsify the presence of the petitioner at the place of occurrence, however, at best even as per the allegation, the petitioner can be said to be a member of the mob, who had threatened to the informant and her husband prior to the alleged



occurrence. It is last submitted that so far the investigation of the crime is concerned, the same has also been completed and the charge sheet has been submitted and now the petitioner is in custody since 18.05.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is also found involved in other criminal cases as has been mentioned in paragraph 3 of the application. In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in all the cases.

Regard being had to the submissions made on behalf of the parties and taking into account the nature of allegation and period of incarceration, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Mufassil P. S. Case No. 66 of 2022, subject to the condition that one of the bailors will be the close relative 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.
- (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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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