

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48671 of 2021**

Arising Out of PS. Case No.-49 Year-2020 Thana- CHHABILAPUR District- Nalanda

Santosh Yadav Son Of Benu Yadav Resident Of Village - Keshari Bigha, P.S.  
- Chhabilapur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      23-06-2022                      Let the defects, if any, be removed within four weeks from today.

Heard Mr. Raj kishore Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Chhabilapur P. Case No. 49 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 26.07.2020, while the father of the informant was coming from his field. In the meantime, all the six accused persons including this petitioner armed with deadly weapons, surrounded his father and started abusing. It is further alleged that Fantus Yadav



fired upon his father due to which he sustained firearm injury on his thigh.

It is submitted by the learned counsel for the petitioner that there is admitted land dispute between the parties and so far this petitioner is concerned, there is no specific allegation of any overt act attributed against him rather general and omnibus allegation has been levelled against all the accused persons, except co-accused Fantus Yadav, who has fired upon the father of the informant causing firearm injury on his thigh. It is also submitted that only because of the land dispute, the name of the petitioner and his family members have been implicated in this case and moreover, he is in custody since 01.04.2021.

On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that this petitioner has actively participated in the crime and he has also found involved in other criminal cases, mentioned in Para-3 of the application.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus allegation against the petitioner, apart from the fact that specific allegation of firing is attributed against co-



accused Fantus Yadav and moreover, this petitioner is in custody since 01.04.2021, though investigation is already completed and charge sheet has been submitted and so far as criminal antecedent of the petitioner is concerned, the case is of 2010 in which petitioner is already on bail, 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 Additional Chief Judicial Magistrate-V, Nalanda at Bihar Sharif in connection with Chhabilapur P.S. Case No. 49 of 2020 subject to the conditions Procedure with the following conditions:-

(i) One of the bailors should be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

**(Harish Kumar, J.)**

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