

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42404 of 2022

Arising Out of PS. Case No.-256 Year-2021 Thana- JANTA BAZAR District- Saran

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Madan Yadav Son of late Heera Yadav Resident of Village - Panditpur, P.s.-
Janta Bazar, Dist.- Saran Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 342, 323, 324, 307, 379, 504 and 506 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, the accused persons
surrounded the informant and on the provocation of the
petitioner co-accused, namely, Vijay Yadav fired on him which
crossed by the side of the informant and other co-accused
persons also attacked with deadly weapon causing injury on his



head and leg.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to Panchayat election dispute. He further submits that the present case is counter blast of the Janta Bazar P.S. Case No. 255 of 2021. He further submits that the present case is filed with false allegation. He further submits that the injury found upon the person is simple in nature. So no case is made out under Section 307 of the Indian Penal Code.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Janta Bazar P.S. Case No. 256 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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