

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42967 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BARAHAT District- Banka

BIHARI YADAV @ BIHARI KUMAR YADAV SON OF SRI SITARAM
YADAV Resident of village- Mirjapur Changeri, P.S.- Barahat, District-
Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Barahat
P.S. Case No. 28 of 2022 registered for the offences punishable
under Sections 147, 148, 149, 323, 332, 333, 353, 307, 506 of
the Indian Penal Code.

As per prosecution case, when the police conducted a
raid and arrived at Punsuya Chowk, it is alleged that the driver
and owner of the vehicle tried to escape but one of them was
apprehended who disclosed his name as Pritam Yadav.
However, lots of people came for rescue of the said Pritam



Yadav and surrounded the informant and other police personnel and started pelting stones on them. Further allegation is that the accused Pritam Yadav also assaulted the SDPO causing head injury. Apprehended co-accused Pritam Yadav disclosed the name of petitioner and others co-accused persons.

Learned counsel for the petitioner submits that petitioner is in custody since 19.05.2022. Petitioner bears two criminal antecedents. Learned counsel further submits that the petitioner is not apprehended on spot. His name has been implicated on the basis of disclosure of apprehended co-accused person Pritam Yadav. The petitioner is quite innocent and has falsely been implicated in the present case due to inimical term with the co-accused, Pritam Yadav. There is no specific allegation against the petitioner. Allegations against the petitioner are general and omnibus in nature. Learned counsel further submits that co-accused Pramod Yadav and Tipu Yadav have already been granted bail vide Cr. Misc. No. 32097 of 2022 and Cr. Misc. No. 34036 of 2022 respectively by the different co-ordinate benches of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as



well as period of custody, argument advanced on behalf of the petitioner, similar situated co-accused persons have already been granted bail by co-ordinate benches and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial magistrate/Successor Court, Banka in connection with Barahat P.S. Case No. 28 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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