

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44281 of 2022

Arising Out of PS. Case No.-108 Year-2021 Thana- SABAUR District- Bhagalpur

Nitesh Yadav, Son of Vindeshwari Yadav, Resident of Village - Bari Dostani,
Police Station- Goradih, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sabour (Goradih) P.S. Case No. 108 of 2021
registered for the alleged offences under Sections 341, 323, 307,
447, 504, 506, 120(B)/34 of the Indian Penal Code and Section
3/4 of Explosive Substance Act.

As per prosecution case, over some trivial matter, the
petitioner and other co-accused persons came to the house of the
informant in the mid of night and they were looking for the
husband of the informant with intention to kill him. When they
did not find the husband of the informant in the house, the co-
accused persons threw country-made bomb over the informant.



She somehow saved herself, but received some splinter on her face.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and from the F.I.R. it is clear that there was no dispute between the petitioner and the informant. The petitioner had not given any threat to the informant prior to the occurrence. The only allegation against the petitioner that he was with the co-accused persons but no overt act has been attributed to this petitioner. The allegations are mostly general and omnibus. The allegations are specific against the co-accused Bada Nand Yadav and Sanjeev Yadav. The learned counsel further submits that two criminal cases are pending against the petitioner and he is on bail in both the cases. The petitioner is in custody since 21.05.2022 and charge-sheet has been submitted in this case.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific overt act has been attributed to the petitioner and further considering his period of the custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour (Goradih) P.S. Case No.108 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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