

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55734 of 2021

Arising Out of PS. Case No.-764 Year-2020 Thana- NATHNAGAR District- Bhagalpur

SANTOSH YADAV Son of Chandar Yadav Resident of Village - Kishanpur,
P.S. - Madhusudanpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mrs.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 21-06-2022 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
Nathnagar (Madhusudanpur) P.S. Case No. 764 of 2020
registered for the offences punishable under Sections 147, 149,
341, 323, 307, 504, 506 of the Indian Penal Code and Section 3/4
of the Explosive Substance Act.

As per prosecution case, informant was going to
purchase goods at the shop of Rajesh Yadav, in the way he saw
that all the FIR named accused persons including the petitioner
was abusing Sahodar Yadav. Due to fear Sahodar Yadav went
inside his house bolting the door but all the accused persons



started breaking the door by leg. On raising alarm when informant and several villagers assembled on the road in front of said shop, all the accused persons fled away towards their house. It is further alleged that Poonam Devi, Manorama Devi and wife of petitioner gave bomb to all the accused persons and then all of them hurled three bombs upon the informant and crowd as a result informant and several villagers received injuries and then accused persons fled away.

Learned counsel for the petitioner submits that petitioner is in custody since 12.03.2021 and bears no criminal antecedent. There is general and omnibus allegation of throwing three bombs against six named accused persons and moreover, there is no specific allegation against the petitioner and others. Apart from that, by throwing three bombs seven persons including the informant have received injuries but injury report indicates the injury of three persons which are of simple nature. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean



antecedent of petitioner 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 Additional Chief Judicial Magistrate-1st, Bhagalpur in connection with Nathnagar P.S. Case No. 764 of 2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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