

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47541 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- KHAGARIA District- Khagaria

Shankar Yadav S/o Nirdhan Yadav R/o village- Mathar Rahimpur South, P.S.-
Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Jha, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 188, 353,
504 and 34 of the Indian Penal Code.

According to the prosecution case, newly elected
Panchayat Samiti member, namely, Shankar Yadav came out to
the subdivision gate without permission and started spreading
rumours of rigged inside due to which the problem of law and
order arose.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion and due to political rivalry. He further submits that all the Sections are bailable except the Section 353 of the Indian Penal Code. He further submits that the co-accused person, namely, Sanjay Khandeliya has been granted bail by the Court below itself vide order dated 09.02.2022 passed in B.A. No. 67 of 2022 and another co-accused person, namely, Kundan Singh has been granted bail by the Court below itself vide order dated 11.04.2022 passed in B.A. No. 263 of 2022.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner.

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 Khagaria (Chitragupt Nagar) P.S. Case No. 15 of 2022, G.R. No. 42 of 2022 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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