

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51094 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- LAURIA District- West Champaran

BHIM YADAV S/o Bhageshwar Yadav R/o village- Padari, P.S.- Lawriya,
District- West Champaran, Bettiah Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-12-2022 The matter has been taken-up through video conference.

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

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

The petitioner seeks bail in connection with a case
registered for the offence punishable under Sections 147, 148,
149, 332, 333, 353, 224 and 225 of the Indian Penal Code.

The prosecution case, in short, is that the informant
alleges that when he proceeded in connection with investigation
and raid of Lauriya P.S. Case No. 326 of 2021 and during the
course of investigation, complicity of Pradip Mishra and Arvind
Mishra came to light. Thereafter, they were caught and one



country-made pistol was recovered from their bed and on their confessional statement, Bhim Yadav (petitioner) was also arrested, but his family members and the people of the vicinity made protest and scuffle with the police force on account of which, Bhim Yadav (petitioner) managed to escape and the *Chaukidar* identified the accused persons who helped in escaping of the petitioner.

Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner has been made accused only on the basis of confessional statement of Pradip Mishra and Arvind Mishra. It is submitted that neither the petitioner was present at the alleged place of occurrence nor he was aware of the occurrence. As soon as, he came to know about the fact that the police is in search of him, he himself surrendered on 01.06.2022 and thereafter he was remanded in this case on 10.06.2022. It is further submitted that the other accused, namely, Sima Devi, Sangita Devi and Anarkali Devi who are the family members of the petitioner have been granted anticipatory bail *vide* Criminal Miscellaneous No. 18045 of 2022 on 28.06.2022 by a Co-ordinate Bench of this Court. The petitioner is in custody since 10.06.2022, he has criminal antecedent of 3



cases and charge-sheet has been submitted in this case.

Learned A.P.P for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the Court of learned Additional District and Sessions Judge V, Bettiah, West Champaran, Bihar in connection with Lauriya P.S. Case No. 07 of 2022, subject to the 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



4. 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.

(Khatim Reza, J)

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