

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52385 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- BIND District- Nalanda

ANIL YADAV S/o Siyasharan Prasad R/o village- Chhatarpur, P.S.- Bind,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Learned counsel for the petitioner is permitted to
make necessary correction in para 3 of the bail petition.

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 Bind
P.S. Case No. 14 of 2022 registered for the offences punishable
under Sections 341, 307/34 and Section 27 of the Arms Act.

As per prosecution case, on account of previous
land dispute petitioner and others surrounded the informant's
nephew and concertedly assaulted the victim. It is further
alleged that co-accused Mukesh Yadav fired with pistol causing
injury to the informant's nephew and co-accused Julum Yadav



also fired which did not hit the victim.

Learned counsel for the petitioner submits that petitioner is in custody since 13.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that as per contents of the FIR there is a land dispute and there is no specific overt-act attributed against the petitioner. Allegation against the petitioner is general and omnibus in nature. He further submits that co-accused Ranjeet Yadav and Manoj Yadav have already been granted bail vide Cr.Misc No. 49609 of 2022 and Cr. Misc. No. 49996 of 2022 respectively by the co-ordinate Bench of this court and the case of present petitioner on the principle of parity stands on similar footing and he deserves to be granted bail.

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, period of custody, co-accused have already been granted bail by co-ordinate Bench, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 C.J.M. III, Nalanda at Biharsharif in connection with Bind P.S. Case No. 14 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)

vashudha/-

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