

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53601 of 2022

Arising Out of PS. Case No.-185 Year-2021 Thana- NAUTAN District- Siwan

Satyendra Yadav Son Of Hiralal Yadav @ Hiralal Chaudhary R/O Village-
Semra Narayanpur, P.S.- Nautan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-12-2022 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP
for the State.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Nautan P.S. Case
No. 185 of 2021 registered under Sections 302, 120B/34 of the
Indian Penal Code.

The F.I.R. has been lodged on the basis of statement of
the informant, who has been recovered in an injured condition.
He has stated that while he was smuggling illicit liquor from



Uttar Pradesh into the State, he has been accosted by 5-6 persons and they have tried to snatch the illicit liquor. It is alleged that they have also assaulted the petitioner and one 'Sikandar Yadav', who has succumbed to his injuries. It is alleged that in the course of assault, the informant heard a name being shouted 'Satyendra Yadav', which is the petitioner's name.

Learned counsel for the petitioner submits that from narration of the F.I.R., it is obvious that there is no specific allegation against the petitioner. One of the assailants has exhorted someone by the petitioner's name to flee away, which has led to his implication and custody in connection with this case since 05.05.2022. He has no criminal antecedents. The informant in his subsequent statement, recorded in the course of the investigation, has improved the allegations by making specific allegation of firing against the petitioner. Similarly situated co-accused Niraj Kumar Singh has been allowed bail in Cr. Misc. No. 27061 of 2022.

The Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, as also his clean antecedent, and the fact that the co-accused Niraj Kumar Singh has been allowed bail in Cr.



Misc. No. 27061 of 2022, this Court is inclined to allow the prayer.

Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Siwan in Nautan P.S. Case No. 185 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Sumit/Rajkishore-

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