

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54868 of 2022

Arising Out of PS. Case No.-184 Year-2020 Thana- BAKHTIYARPUR District- Patna

Punay Yadav S/O Phegu Yadav Resident of Village- Champapur, Pijurpur,
P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-12-2022 The matter is heard through video conferencing.

Heard Mr. Sanjay Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Uday Chand Prasad, learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bakhtiyarpur P.S. Case No. 184 of 2020, for the offence
punishable under Sections 504, 506, 326, 307/34 of the Indian
Penal Code and under Section 27 Arms Act.

The prosecution case, in brief, is that the petitioner
and the informant are agnates and due to some land dispute they
indulged in group rivalry and in course of same dispute
allegedly Karu Yadav and Guddu Yadav assaulted Shobha Devi
by firearm.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner has been named in the F.I.R and he



is the father of the co-accused Karu Yadav and Guddu Yadav. No overt act has been alleged against the petitioner Punya Yadav. It is further submitted that Guddu Yadav against whom there is direct allegation of assault has already been released on bail vide order dated 24.05.2022 passed in Cr. Misc No. 1486 of 2022.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail of the petitioner. He further submitted that there is a case and counter case in which son of the petitioner Karu Yadav sustained injury and as a result of spur of moment Shobha Devi got injured. He further submitted that petitioner is in custody since 03.08.2022 and has got four criminal antecedents as stated in paragraph no.-3 of the bail petition in which he has already been released on bail. He further submitted that so far as, the facts of the present case is concerned, it is clear that there is no allegation of any overt act committed by the petitioner rather he tried to pacify.

Considering the fact that the petitioner is named in the F.I.R. but no allegation of assault has been alleged against him, and there is direct allegation of having fired on Guddu Yadav and said Guddu Yadav has already been released on bail. The petitioner has four cases pending against him and in some of



them he has been made accused for grievous offences. So far as, the present case is concerned this is case and counter case between the parties and both sides had sustained injury.

Prima Facie, it appears that the petitioner has made out a case to be released on bail hence petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Barh under Patna Judgeship in connection with Bakhtiyarpur P.S. Case No. 184 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the



criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located everyday at 9 a.m. in the morning till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

Petitioner is directed to remove all the defect(s) as pointed out by the Stamp Reporter within one week and thereafter, Registry shall communicate the order to the Court below forthwith.

(Purnendu Singh, J)

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