

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67395 of 2021

Arising Out of PS. Case No.-165 Year-2021 Thana- BAUNSI District- Banka

JAY PRAKASH YADAV @ BADLU YADAV Son of Late Logi Yadav
Resident of Village - Sarana, P.S.- Baunsi, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ugranath Mallik, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, Advocate
For the Informant	:	Mr. Om Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2022 Heard learned Senior Counsel for the petitioner Sri
Yogesh Chandra Verma, learned A.P.P. for the State and learned
counsel for the informant.

The petitioner seeks bail in connection with Bounsi P.S.
Case No. 165 of 2021 registered under Sections 342, 307, 504, 34
of the Indian Penal Code read with Section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that
petitioner is in custody since 02.10.2021, charge-sheet has been
submitted in the case and has antecedent of seven cases out of
which the petitioner has been acquitted in four cases, as such
presently he has antecedent of three cases.

Learned Senior Counsel submits that the informant
alleges that on 01.08.2021 at about 07.30 PM Jay Prakash Yadav



alongwith named accused persons surrounded the informant and assaulted him while he was returning home. It is further alleged that on order of this petitioner Nirmal Yadav fired upon the informant and thereafter he was taken to hospital for treatment.

The learned senior counsel submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the petitioner has been falsely implicated in the present case by alleging that it was on his order that his son Nirmal fired upon the informant which caused injury on the waist of the informant. It is submitted that it absolutely does not stand to reason that a person who intend to fire will wait for orders.

The learned A.P.P. for the State and learned counsel for the informant oppose the prayer for bail of the petitioner but are not able to meet the submission of the learned Senior Counsel for the petitioner that the petitioner is merely an order giver and not the assailant.

Considering the fact that the petitioner is in custody since 02.10.2021, charge-sheet has been submitted and is alleged to be an order giver, let the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bounsi P.S. Case No.



165 of 2021, if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the court below shall forthwith cancel the bail bonds after recording reasons.

(Satyavrat Verma, J)

ved/-

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