

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69477 of 2021**

Arising Out of PS. Case No.-381 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Kapil Kumar @ Kapil Yadav, Son of Late Kusheshwar Yadav, Resident of
village - Bathoria, P.S.- Nathnagar (Madhusudanpur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

In the present case, the petitioner seeks bail in
connection with Kotwali (Barai) P.S. Case No. 381 of 2021
registered for the alleged offences under Sections 323, 341,
307/120B, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, the brother of the informant
entered into an agreement for a land deed and for the same land
the co-accused person Pinki Devi got another agreement
executed with co-accused Abhishek Soni. The petitioner and
other co-accused persons threatened the informant and opened
indiscriminate firing upon them due to which three nephews of



the informant got injured.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no dispute between the informant and the petitioner. The informant entered into land deed with one Trigun Prasad Roy and his daughter executed the agreement in favour of co-accused Abhishek Soni. From the FIR, it is also clear that there is no specific allegation against the petitioner and in fact he tried to reconcile the matter at the request of Trigun Prasad Roy. Other named co-accused persons have been granted anticipatory bail vide different orders by a Co-ordinate Bench. Order dated 23.06.2022 passed in Cr. Misc. No. 56301 of 2021, order dated 04.07.2022 passed in 51530 of 2021 and order dated 14.07.2022 passed in Cr. Misc. No. 59267 of 2021. The petitioner is in custody since 10.07.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has been named in the FIR and there is specific allegation that he along with co-accused persons opened fire and three persons received firearm injuries. It has also come during investigation that the petitioner was in constant touch with other co-accused persons.



Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with grant of anticipatory bail to similarly placed co-accused persons, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barai) P.S. Case No. 381 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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