

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69310 of 2021**

Arising Out of PS. Case No.-142 Year-2021 Thana- BAKHTIARPUR District- Saharsa

PAWAN YADAV, Son of Bilo Yadav Resident of Village- Goriya Tola,
Sonpura, Ward No. 7, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 26-09-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bakhtiarpur P.S. Case No. 142 of 2021 registered for the alleged offences under Sections 341, 323, 436, 379, 506 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons came to the house of the informant and opened indiscriminate firing. When the informant and his family members fled away from their house to save their lives, the petitioner took away Rs. 30,000/- from a box and also took away a number of



jewellery items of gold and silver. While leaving the premises, they also set the house of the informant on fire.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Though, there is allegation of firing but it is surprising that no one received any injury. The allegation of setting the house of the informant on fire is quite general and omnibus and against five accused persons. No specific overt act has been attributed to any of the accused persons including this petitioner. The allegation of taking away money and ornament is merely a super addition. Learned counsel further submits that charge sheet has been submitted in this case and the petitioner is in custody since 21.08.2021

Learned APP for the State opposes the prayer for bail of the petitioner submitting that witness in paragraph 7, 8, 9 and 10 of the case diary have supported the prosecution case. He further submits that the petitioner is a habitual offender and accused in three other cases.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the submission of charge sheet along with period of custody of the petitioner, 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, Saharsa in connection with Bakhtiarpur P.S. Case No. 142 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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