

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69736 of 2021**

Arising Out of PS. Case No.-149 Year-2021 Thana- BIHAR District- Nalanda

MANOJ YADAV Son of Jatan Yadav @ Ramjatan Yadav Resident of Village-  
Gordhowa, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      17-10-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the informant, learned  
counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Bihar P.S.  
Case No. 149 of 2021 registered for the offences punishable  
under Sections 147, 148, 149, 323, 325, 504, 506, 307 and 302  
of the Indian Penal Code.

As per prosecution case, a dispute arose between the  
parties with regard to construction of temple. The informant is  
younger brother of deceased who died during the incident.

Learned counsel for the petitioner submits that  
petitioner is in custody since 25.09.2021. Petitioner bears  
criminal antecedent of one case. Learned counsel for the



petitioner further submits that petitioner is not named in FIR. During the course of investigation the name of the petitioner has been surfaced in this case. As per Para 13 of the case diary, the petitioner is identified on the basis of CCTV footage. Apprehended co-accused Chhotelal Yadav, who is named in the FIR, has already been granted bail vide Cr. Misc. No. 50425 of 2021 and the case of present petitioner stands on better footing. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned counsel for the informant and learned APP vehemently opposed the prayer for bail on the basis that in CCTV footage the petitioner is found at the place of occurrence.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the F.I.R., charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Bihar P.S. Case No. 149 of 2021,



subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

**(Alok Kumar Pandey, J)**

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