

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70460 of 2021**

Arising Out of PS. Case No.-163 Year-2017 Thana- SAHEBPUR KAMAL District-
Begusarai

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AJAY YADAV Son of Mahendra Yadav Resident of Village- Akidattpur,
Khairpur, P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Parmeshwar Mehta

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

4 28-09-2022 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 petitioner and learned
A.P.P. for the State and learned counsel for the informant.

The petitioner seeks bail in connection with S.
Kamal P.S. Case No. 163 of 2017 registered for the offences
punishable under Sections 302/34, 120(B) of the Indian Penal
Code Section 27 of the Arms Act.

As per prosecution case, the petitioner son of
Mahendra Yadav was holding firearm.

Learned counsel for the petitioner submits that
petitioner is in custody since 08.11.2021. Petitioner bears four
criminal antecedents out of which he has got acquittal in two



cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there was no specific allegation against the petitioner to assault the victim. There is specific allegation against the co-accused Ajay Yadav son of Bahadur Yadav who has fired against the victim and the victim died on spot. There is mere allegation of holding the arms against the petitioner. He also submits that similarly situated co-accused Sanjay Yadav has already been granted bail vide Cr. Misc. No. 20275 of 2019.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, and similarly situated co-accused Sanjay Yadav has already been granted bail, 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 Additional Sessions Judge-IX, Begusarai in connection with S.T. No. 143(A) of 2021 arising out of S. Kamal P.S. Case No. 163 of 2017, 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 before the trial court on all dates without fail, failing which the trial court shall be at liberty to cancel the bail bond of the petitioner.

(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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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