

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14147 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- MANPUR District- Nalanda

UDAY YADAV SON OF LATE BASAR YADAV R/O VILLAGE-
MAKDUYANE, P.S.- MANPUR, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 28.08.2022, in connection with Manpur P.S. Case No.191/2022, F.I.R. dated 25.07.2022, in a case registered for the offences punishable under Sections 147, 148, 149, 307, 353 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, while the informant was on evening patrolling duty, he got information that two groups of village Makduane were quarrelling with each other. When he reached at the place of occurrence, he saw that two groups were assaulting each other. On interrogation from the local people, it was found that Bablu Yadav, Naresh Yadav and Uday Yadav (Petitioner) are from one side and other side are the



co-accused Matlu Yadav, Rajiv Yadav, Budhan Yadav, Chano Yadav and Guddu Yadav. The informant tried to pacify the matter and after intervention of local people, both the groups left the place after abusing them. After a while, they started firing indiscriminately with illegitimate weapons, due to which panic was spread. Thereafter the police reached there then the accused persons fled away. Again on 24.07.2022, it was found that both the groups were involved in creating panic by firing with illegitimate weapons.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of disclosure made by the local villagers. No specific allegation of any assault or overt act against the petitioner. He further submits that it appears from the F.I.R. that no one has sustained any kind of injury and no incriminating article has been recovered from the place of occurrence and no case is made out under Section 307 of the Indian Penal Code. He further submits that other co-accused person has been granted bail by this Court vide order dated 09.02.2023 passed in Cr. Misc. No. 57183/2022 and another co-accused, namely, Rajeev Yadav @ Rajesh Kumar has been granted bail vide order dated 28.03.2023 passed in Cr. Misc. No. 2576/2023 by Co-ordinate



Bench of this Court and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the five cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-5, Nalanda, Biharsharif, in connection with Manpur P.S. Case No. 191/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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