

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10508 of 2023**

Arising Out of PS. Case No.-160 Year-1997 Thana- BRAHMPUR District- Buxar

Janardan Yadav Son of Late Bansropan Yadav R/O Vill.- Rahathuan, P.S.-
Brahampur, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
09.11.2022 in connection with Brahampur P.S. Case No. 160 of
1997, F.I.R. dated 06.12.1997 for the offences punishable under
Sections 147, 148, 149, 323, 307, 379 of the Indian Penal Code
and Section 27 of the Arms Act.

According to prosecution case, in brief, is that the
informant, Jagdish Singh lodged the instant case on the basis of
his fardbeyan alleging therein that on 06.12.1997 at about 05.30
hours the informant was subjected to assault with fire arms by
the petitioner as well as some other co-accused persons named
in the F.I.R. During course of assault, his Rifle along with 03
cartridges in Magazine and 10 cartridges in Butt Cover was also



carried away by the petitioner Janardan Yadav.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact on the date of occurrence the petitioner was on duty it appears from Annexure-3 of the bail petition. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Buxar in connection with Brahampur P.S. Case No. 160 of 1997, 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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