

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10995 of 2023

Arising Out of PS. Case No.-297 Year-2021 Thana- BAKHTIYARPUR District- Patna

Vicky Yadav, Son of Basho Yadav, Resident of Village - Belthan, P.S.-
Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Kaushal Kishor, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 1297 of 2022, arising out of Bakhtiyarpur P.S. Case No. 297 of 2021 registered for the offence punishable under Sections 147, 148, 149, 504, 341, 323 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that when the husband of the informant had gone to demand his due amount of Rs. 2,00,000/- from 'Aman Yadav' whereupon all the accused persons, including the petitioner started abusing and assaulting him. Having noticed the aforesaid fact, when the informant along with her daughter came to rescue, the accused persons made firing due to which



the daughter of the informant sustained firearm injury in her leg.

Submission has been made on behalf of the petitioner that the ominous allegation has been levelled against all the FIR named accused persons, and there is no specific allegation against the petitioner. It is further submitted that co-accused person, having similar allegation, has been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 54426 of 2022 vide order dated 21.12.2022. He next submitted that the petitioner, having fair antecedent, is in custody since 30.06.2022 and, moreover, the case has been committed to the Court of Sessions and, as such, there is no chances of absconding of the petitioner and tampering with the evidences.

On the other hand, learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the general and ominous nature of allegation and the fact that other co-accused person, having similar allegation, has been allowed the privilege of bail by the learned co-ordinate Bench of this Court, coupled with the period of custody and the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.



10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge – 1st, Barh, Patna in connection with Sessions Trial No. 1297 of 2022, arising out of Bakhtiyarpur P.S. Case No. 297 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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