

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10341 of 2023**

Arising Out of PS. Case No.-446 Year-2020 Thana- DUMRAO District- Buxar

Birbal Yadav Son Of Late Yugul Yadav R/O Vill.- Pratap Sagar, P.S.-  
Dumraon (NAYA Bhojpur O.P.), Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

For the Informant : Mr. Mahendra Kumar Sinha, Advocate

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

3      24-06-2023                      Heard learned counsel for the petitioner, learned  
counsel appearing on behalf of the informant as well as learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioner seeks bail who is in custody since  
09.12.2022 in connection with Dumraon (Naya Bhojpur O.P.)  
P.S. Case No. 446 of 2020, F.I.R. dated 08.12.2020 for the  
offences punishable under Sections 147, 148, 149, 341, 323, 302  
and 506 of the Indian Penal Code and Section 27 of the Arms  
Act.

According to prosecution case, all the accused persons  
including the petitioner have fired upon the father of the



informant due to previous enmity.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Prior to the alleged occurrence, the father of the informant as well as family members of the informant were found to be guilty under Section 302 of the Indian Penal Code and other allied sections of the Indian Penal Code and on that ground, the petitioner has been implicated in these false and fabricated cases. He further submits that during investigation in paragraph no.166 to 170 of the case diary, the police has submitted the final form against others and in favour of the petitioner. He further submits that vide order dated 03.06.2021, the learned Court below has taken cognizance against the petitioner. Thereafter, the petitioner has filed Cr. Misc. Revision No. 57 of 2021 against the order dated 03.06.2021 which was dismissed vide order dated 14.06.2022 by the learned Additional Sessions Judge III, Buxar. Thereafter, the petitioner has approached this Hon'ble Court in Cr. Misc. No. 35086 of 2022 for grant of anticipatory bail and the same was dismissed as withdrawn with the liberty to surrender before the learned Court below within a period of three weeks. Pursuant to the order passed in Cr. Misc. No. 35086 of 2022 the petitioner has



surrender on 09.12.2022. The petitioner is in custody since 09.12.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has fired upon the father of the informant.

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 Dumraon (Naya Bhojpur O.P.) P.S. Case No. 446 of 2020, 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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