

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26156 of 2023**

Arising Out of PS. Case No.-536 Year-2022 Thana- ARA NAGAR District- Bhojpur

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MITHAI YADAV @ DINESH YADAV SON OF FUDUN YADAV R/O
VILLAGE- SHITAL TOLA, P.S.- ARA NAGAR, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-05-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner has preferred this application for grant

of regular bail in connection with Sessions Trial No. 485 of

2022 arising out of Ara Nagar P.S. Case No. 536 of 2022 dated

16.6.2022 registered for the offences punishable u/s 147, 148,

149, 302, 307 & 120 (B) of the Indian Penal Code and Section



27 of the Arms Act.

As per the prosecution case, on 15.06.2022 the co-accused Khatai Yadav, Aditya @ Chhotu along with his friends assaulted the informant's Fufa. Further, on 16.06.2022, all the accused persons again assaulted the informant and his Mama. On being objected, Khatai Yadav fired on the informant's mama which hit on his chest. Thereafter, the informant's mama was taken to hospital where he was declared dead.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The allegation against the petitioner is to instigate the crime alleged. The specific allegation of firing is against the co-accused Khatai Yadav. The petitioner has got 5 criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 10.08.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, Bhojpur, Ara in connection with Sessions Trial No. 485 of 2022 arising out of Ara Nagar P.S. Case No. 536 of 2022 with the following conditions :

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

2. The court below shall verify the criminal antecedent of the petitioner and at any stage, if 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.

The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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