

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26762 of 2023

Arising Out of PS. Case No.-259 Year-2022 Thana- BISFI District- Madhubani

Udesh Yadav Son of Shivji Yadav Resident of village-Bisfi Bharan Tola, P.S.-
Bisfi, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Advocate
For the Informant	:	Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioners, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
12.12.2022, in connection with Bisfi P.S. Case No. 259 of 2022,
F.I.R. dated 06.09.2022 registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379,
504 of the Indian Penal Code and Section 3 of the Explosive
Substance Act.

3. Allegation against the petitioner is that he thrown
the bomb upon the informant and his family members due to
which five persons sustained injured.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in



the present case. He further submits that there is case and counter case between the parties and as per F.I.R. the allegation against the petitioner is that he thrown the bomb upon the informant but the injury of the informant suggests that the injury is simple in nature. He further submits that the allegation of assault is against co-accused Badri Prasad who had given the farsha blow to Ragini Devi and the injury report of Ragini Devi is grievous in nature and the injury report of the informant is simple in nature. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.12.2023.

5. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner, and submits that there is direct and specific allegation against the petitioner that he had thrown the bomb upon the informant and his family members and altogether five persons sustained injured and apart from that the petitioner carries two more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in both the cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipatti, District-Madhubani in connection with Bisfi P.S. Case No. 259 of 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 witness, 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 antecedents, 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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