

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24448 of 2023

Arising Out of PS. Case No.-106 Year-2000 Thana- DUMRAO District- Buxar

=====

Tufani Yadav, Son of Shiv Narayan Yadav, Resident of village - Gurudev
Nagar, P.S. - Simri, Distt. - Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Md. Aslam Ansari, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Simri P.S. Case No.106 of 2000 registered for the offences
punishable under Sections 143, 144, 212, 110, 307 of the Indian
Penal Code and Section 27 of the Arms Act.

3. It appears that the petitioner was taken into custody
by court of learned ASJ-IV, Buxar despite of the fact he was on
bail, for the reason that the order granting his bail by lower
court was not in accordance with law, as petitioner failed to
appear for a considerable time period, where occurrence is of
the year 2000.

5. it is submitted by learned counsel that there was no



any occasion to cancel the earlier bail of this petitioner by the court of ASJ-IV, Buxar. It is submitted that no such prayer was even made by the prosecution and despite of the fact, when this petitioner was present in the court, was taken into custody by taking note of fact that the bail, which was granted earlier to this petitioner was not appearing justified, as petitioner was absconded for considerable period of time, where matter is pending since 2000 for its trial and disposal. It is submitted that the petitioner is in custody since 28.02.2023 without any fault, with a fact that he was present in court.

6. Learned APP while opposing the prayer for grant of bail to the petitioner fairly conceded that the impugned order reflects that petitioner was on bail on the date when he was taken into custody.

7. In view of above-mentioned facts and circumstances and by taking note of the fact as petitioner was on bail and was present before the court, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-4, Buxar in connection with Sessions Trial No.518 of 2022 arising out of P.S. Case No.106 of 2000



subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

