

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34173 of 2023

Arising Out of PS. Case No.-464 Year-2022 Thana- PHULPARAS District- Madhubani

BIRENDRA YADAV S/O RAMDEO YADAV Resident of village- Bahuarba
Post Dhanauja, P.S.- Phulparas, District- Madhubani Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 The learned counsel for the petitioner undertakes to file a supplementary affidavit duly signed and affidavited by him in course of the day itself. The said affidavit is being filed by him in view of the fact that he has wrongly incorporated the facts of other case in the present petition.

Prayer is allowed.

Heard counsel for the petitioner.

The petitioner is in custody since 29.9.2022 in connection with Phulpras P.S. Case No. 464 of 2022 for the offence punishable under Sections 332, 333, 307, 353/34 of the I.P.C. and 25(1-b)a 26/35/27 of the Arms Act lodged on 30.9.2022 by the informant Lalan Prasad Choudhary.

As per the prosecution story, the allegation is against Sunil Yadav of causing terror and opening fire and further police



recovered a foreign pistol from his possession. So far as this petitioner is concerned, only allegation of being an associate of said Sunil Yadav with further allegation of recovery of some cartridges.

Learned APP opposes the prayer for bail.

In view of the fact that the main allegation is against Sunil Yadav, he is in custody since 29.9.2022, this Court is inclined to extend him the privilege of bail with conditions. The said order is being conditional and if no supplementary affidavit is filed in course of the day incorporating correct prosecution story, as in the FIR, the order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-II, Jhanyharpur, in connection with Phulpras P.S. Case No. 464 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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