

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32175 of 2023**

Arising Out of PS. Case No.-459 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Sanoj Yadav Son Of Dando Yadav @ Dallo Yadav Resident Of Village-
Karaila, Ps- Madhusudanpur, (NATHNAGAR), Distt- Bhagalpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 02-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Nathnagar (Madhusudanpur) P.S. Case No. 459 of 2021
registered for the offence under Sections 223, 224, 353, 341,
323/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.11.2021.

The allegation against petitioner is to deter the police
officials discharging their official functions and as so when
police personnels arrived at the house of this petitioner in
connection with his arrest, he ran away.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated falsely out of his criminal antecedents and in fact he was not present at his house when police personnels arrived there. It is submitted that without having any search warrant, police started to enter into the different rooms of the house, creates nuisance and when same was objected by family members and neighbours/co-villagers, the present false case was lodged. It is also pointed out that the narration of FIR, not specifying any overt act against this petitioner rather same is available against rest of the family members including wife of this petitioner. While concluding the argument, it is submitted that petitioner found involved in six more criminal cases, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as the narration of FIR is not suggesting any overt act of petitioner to deter police officials to discharge their official functions, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.11.2021,



accordingly, the petitioner above named, is directed to be released on bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 459 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That Accused/Petitioner shall cooperate 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.

(ii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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