

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27840 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- MANSI District- Khagaria

Ghoghal Yadav Son Of Narsingh Yadav Resident Of Village - Sonbarsa, P.S.-
Chautham, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Mansi
P.S. Case No.142 of 2021 registered for the offence under
Sections 307, 353, 352 and 333/34 of the Indian Penal Code and
Sections 25(1-B)a, 26, 27 and 35.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.05.2022.

The allegation against the petitioner is to open fire
upon police personnel alongwith other co-accused persons and
also to deter them to discharge their official duties while raiding
house/*bathan* of co-accused, where other co-accused persons
including petitioner assembled to commit cognizable offence.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was not apprehended on spot and his name surfaced in this case on the basis of disclosure as made by apprehended co-accused, namely Chhabila Yadav. It is submitted that suspicion also arises from the criminal antecedents of this petitioner, which is also appearing one of the cause of the present false implication, as petitioner found involved in 18 more criminal cases, where in 12 cases he is on bail and in 3 cases he has already been acquitted after trial. It is also submitted that no incriminating materials recovered/surfaced during the course of investigation in furtherance of disclosure as made by co-accused Chhabila Yadav, which may connect this petitioner with the present occurrence. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as petitioner is not apprehended on spot, where his name surfaced on the basis of disclosure made by co-accused Chhabila Yadav, where nothing incriminating surfaced to



connect this petitioner with the present occurrence coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 20.05.2022, accordingly above named petitioner is directed to be released on bail in connection with Mansi P.S. Case No.142 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 Chief Judicial Magistrate, Khagaria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not interact with the witnesses during the trial in any manner or to influence any witnesses, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

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

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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