

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29417 of 2023

Arising Out of PS. Case No.-111 Year-2021 Thana- BITHAN BAZAR District- Samastipur

Jyoti Yadav @ Amar Jyoti Kumar @ Jyoti Kumar Son of Lal Bahadur Yadav,
Resident of Village- Jagmohra, P.S.- Bithan, Distt- Samstipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Sessions Trial No.489 of 2022 + 640 of 2022 (Bithan P.S. Case
No. 111 of 2021) dated 27.07.2021, lodged under Sections 147,
148, 149 & 302 of the Indian Penal Code.

4. As per prosecution case, the F.I.R. has been lodged
against 18 named accused persons alleging therein that
informant son was returning to his house alongwith informant in
the meantime all the accused persons surrounded them and first
attack was made by accused Nitya Nand Yadav by iron rod
thereafter on his call the other accused persons started causing

injury to the son of informant which resulted into the death of his son.

5. Learned counsel for the petitioner submits that the name of petitioner is there in the F.I.R. but there is general and omnibus allegation only. He further submits that there is nothing specific against the present petitioner. He also submits that petitioner is in custody since 29.07.2022 and there is one criminal case pending against in which he is persuading for bail. Counsel further submits that one co-accused Lal Bahadur Yadav has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 11.04.2023 passed in Cr. Misc. No.63947 of 2022.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Rosera at Samastipur in connection with Sessions Trial No.489 of 2022 + 640 of 2022 (Bithan P.S. Case No. 111 of 2021), subject to the conditions as laid down under

Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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