

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35727 of 2023

Arising Out of PS. Case No.-274 Year-2017 Thana- KHAGARIA District- Khagaria

Subhash Yadav (Mukhiya) S/O- Late Surat Lal Yadav Village- Bari Kothiya
Ps- Mufassil Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Kumar Singh, Adv.
For the Informant/s	:	Mr. Jai Kishor Poddar, Adv.
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. Learned counsel for the petitioner submits that the bail application of the petitioner in connection with Khagaria (Mufassil) P.S. Case No. 274 of 2017 dated 26.04.2017 has earlier been rejected vide order dated 24.11.2022 passed in Cr. Misc. No. 42183 of 2022. Counsel submits that the bail application of the petitioner was disposed off with certain observations to move to file application before the Trial Court.

3. Learned counsel for the petitioner further submits that the petitioner has moved before the Trial Court and upon hearing, his bail application was rejected. Thereafter, the petitioner has filed the present bail application afresh.

4. Learned counsel for the petitioner further submits that the petitioner is in custody since 18.02.2022. Counsel submits that on the point of criminal antecedent, he has categorically mentioned in paragraph-3 of the bail application that there are six cases pending against the petitioner. In one case he has been acquitted, in 2 cases final form has been submitted, in 2 cases he is on bail and in one case there is no acquisition against the petitioner either in the F.I.R. or during investigation.

5. Learned counsel for the petitioner further submits that on early occasion, confusion has been created in the Court by virtue of a confusing submission made by the counsel for the informant.

6. Learned counsel for the petitioner further submits that vide Annexure-9, he has filed the charge-sheet which has been submitted by the police authority in connection with Khagaria (Mufassil) P.S. Case No. 274 of 2017 in which he is seeking bail. From the said charge-sheet, it transpires that the police has found the present case untrue against the present petitioner.

7. Learned counsel for the petitioner further submits that the Trial Court disagreed with the final report submitted and

taken cognizance against the petitioner. Counsel submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

8. Learned A.P.P. for the State opposes the prayer for bail and submits that from Annexure-9, it transpires that the final form has been submitted against the petitioner but cognizance has been taken by the Court.

9. Learned counsel for the informant vehemently opposes the prayer for bail.

10. 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 Judicial Magistrate-1st Class, Khagaria in connection with Khagaria (Mufassil) P.S. Case No. 274 of 2017 corresponding to G.R. No. 1172 of 2017, 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 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.

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

(Dr. Anshuman, J.)

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