

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37220 of 2023

Arising Out of PS. Case No.-263 Year-2021 Thana- TRIVENIGANJ District- Supaul

Birendra Yadav @ Birendra Kumar Yadav, Son of Bhogendra Yadav Resident
Of Village Jagur, P.S. - Triveniganj, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar , Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kritya Nand Jha

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-07-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Triveniganj P.S. Case No.263 of 2021 (S. Tr. No. 04 of
2023), registered for the offences punishable under Sections
144, 149, 447, 448, 504, 341, 323, 324, 307, 509, 325,
354(B), 379, 380 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that the petitioner along with 15-16 other accused persons,
variously armed, entered the house of the informant and
started abusing and assaulting his family members.
Moreover, specific allegation is against the accused



Bhogendra Yadav.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is case and counter case and there is injury on both the sides. He further submits that co-accused persons, namely, Bhogendra Yadav, and Dhirendra Yadav have been enlarged on bail by co-ordinate Bench of this Court vide order dated 16.01.2023, passed in Cr. Misc. No. 50324 of 2022, and Cr. Misc. No. 50645 of 2022 respectively.

He further submits that the petitioner has been languishing in jail since 24.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail vide Cr. Misc. No. 19710 of 2022.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-1st, Supaul, in connection with Triveniganj P.S. Case No.263 of 2021 (S. Tr. No. 04 of 2023) on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld.



court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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