

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39159 of 2023

Arising Out of PS. Case No.-41 Year-2021 Thana- MAIGRA District- Gaya

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Bhadul Yadav @ Bhamdul Yadav @ Indradeo Yadav Son Of Udit Ydav
Resident Of Village- Harnitand, Rampur, Tola Murliganj, Ps- Maigra, Distt-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

for the State.

The petitioner seeks bail in connection with Maigra

P.S. Case No. 41 of 2021, registered for the offences

punishable under Sections 147, 148, 149, 341, 323, 354,

307, 379 of the Indian Penal Code and Section 27 of the

Arms Act.

The prosecution case as emerges from the FIR is

that when the brother of the informant was carrying paddy

bundle, all of a sudden, the petitioner and his associates

started assaulting him. It is further alleged that when other

family members came to save him, they also assaulted



them. Allegation of theft of household articles are also there.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of previous land dispute. He further submits that there is case and counter case and injury has been caused to both sides. He also submits that similarly situated co-accused has already been enlarged on bail by the trial court itself *vide* order dated 28.06.2022.

He further submits that the petitioner has been languishing in jail since 12.04.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one more case.

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. 62491 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. Sri Sushil Kumar, Judicial Magistrate, Sherghati, Gaya, in connection with Maigra P.S. Case No. 41 of 2021 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 hamper 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 criminal antecedents other than the disclosed one, 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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