

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39638 of 2023

Arising Out of PS. Case No.-188 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

Sanjay Yadav @ Kuku Yadav @ Kuku S/O Late Chhathu Yadav R/O Village-
Shyamdas Lane, Ishakchak, P.S- Ishakchak, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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
Sessions Trial No. 221 of 2023, G.R. No. 4367 of 2022,
arising out of Ishakchak P. S. Case No. 188 of 2022,
registered for the offences punishable under Sections 341,
323, 307, 385, 379, 338 and 34 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that the petitioner and his associates assaulted the informant
due to which he sustained injury. It is further alleged that
they demanded ransom money of Rs. 50,000/- and took
away Rs. 5,000/- in cash.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to dirty village politics. He further submits that there is no specific overt act of assault against the petitioner; rather the allegation is general and omnibus in nature. He also submits that similarly situated co-accused has already been enlarged on bail by a Co-ordinate Bench of this Court *vide* order dated 25.04.2023, passed in Cr. Misc. No. 13114 of 2023.

He further submits that the petitioner has been languishing in jail since 08.10.2022.

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

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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. Judicial Magistrate 1st Class, Bhagalpur, in connection with Sessions Trial No. 221 of 2023, G.R. No. 4367 of 2022, arising out of Ishakchak P. S. Case No. 188 of 2022 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)

skm/-

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