

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38945 of 2023

Arising Out of PS. Case No.-300 Year-2021 Thana- RAJNAGAR District- Madhubani

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DANI LAL YADAV @ DANI YADAV S/O- Bangtu Yadav @ Jagadish Yadav
R/O Village- Pilakhwar, P.S- Rajnagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv
		Mr. Ugranath Mallik, Adv
For the Opposite Party/s :		Ms. Renu Kumari, A.P.P

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-07-2023 1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. Petitioner seeks regular bail in connection with Rajnagar P.S. Case No. 300 of 2021, dated 25.10.2021 registered for the offences punishable under Sections 341, 323, 504, 506, 324, 325, 308, 379/34 of the Indian Penal Code.
3. This is second attempt of the petitioner for the relief of regular bail and his earlier prayer was rejected by this Bench vide order dated 04.04.2023 passed in Cr. Misc. No. 46158 of 2022 preferred by this petitioner
4. The main submissions advanced by learned senior counsel for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 46158 of 2022 for the relief of regular bail which



was rejected by this Court, giving a liberty to the petitioner to renew his bail prayer after framing of charge and in view of the said liberty petitioner has come again before this Court for the same relief as upon him charges have been framed on 25.04.2023. It is further submitted that the petitioner has been languishing in jail since 10.03.2022 and in the FIR the main allegation is against co-accused Ranjan Yadav and petitioner allegedly instigated the co-accused persons by ordering them to kill the prosecution party, except this there is no any other allegation against him and after commission of the alleged occurrence FIR was lodged after inordinate delay of seven days and enmity in between both the parties is an admitted position.

5. Learned APP appearing for the State opposes the prayer for bail.

6. Heard both the sides. Petitioner's trial has started and in the present time he is facing trial and the main allegation is against co-accused Ranjan Yadav and as per FIR, this petitioner instigated the co-accused persons to commit the alleged crime, in my view, in the present circumstances, particularly considering the judicial custody of the petitioner, a lenient approach can be taken in respect of petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged



on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Rajnagar P.S. Case No. 300 of 2021 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of his bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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