

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41547 of 2022

Arising Out of PS. Case No.-355 Year-2021 Thana- GAYA MUFASIL District- Gaya

Upendra Yadav @ Kara Yadav S/o Late Barhan Yadav @ Baddhan Yadav R/o
village- Bandhua Tola Ritu Bigha, P.S.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha
For the Petitioner/s	:	Mr. Durgesh Nandan Advocate
		Ms. Manisha Prakash, Advocate
		Ms. Puja, Advocate
For the Opposite Party/s :		Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-02-2023 Heard Ld. counsel for the petitioner, Ld. APP for

the State and Ld. Counsel for the informant.

The petitioner seeks bail in connection with Muffasil
P.S. Case No.355 of 2021, registered for the offences
punishable under Sections 147, 149, 341, 322, 504, 506,
379, 307, and 325 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case as emerges from the FIR is
that on 29.07.2021 at about 5:30 pm, accused persons
including the present petitioner armed with *lathi*, *danda* and
revolver reached the informant's house and started abusing.



Further, they also assaulted her sons, Raj and Ajay Yadav and as a result of which, both suffered severe injury. It is also alleged that the accused persons robbed gold ornaments from the house of the informant.

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 also there is injury on both the sides. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 05.03.2022.

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

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. Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No.355 of 2021, **after framing of charge, if not already framed**, 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 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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