

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46450 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- CIVIL LINE District- Gaya

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JAGDISH YADAV @ JAGDEESH YADAV SON OF LATE VISU YADAV
VILLAGE AMAR BIGHA PS BELAGANJ DISTRICT GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2023 Heard Mr. Shailesh Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Raj Ballabh Singh,

learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Civil Line P.S. Case No. 76 of 2023, dated 31.01.2023,
registered under Sections 341, 323, 504, 506, 379/34 of the
Indian Penal Code.

3. The prosecution case, in brief, is that, as per
computer typed application of the informant Ranjit Kumar on
31-01-2023 at about 12:00 PM to 1:00 PM, he was at outside of
the office of C.J.M., Gaya for releasing his tractor, which was
seized in Belaganj P.S. Case No. 584/2022, accused Jagdish
Yadav came there and caught the hand of informant and taking
him outside the court's premises. During this, co-accused Sujay



Kumar Nirala and Sunil Kumar Nirala also reached there and caught the collar and started fists and slaps, due to which he sustained mouth and teeth injuries. It is also alleged that accused persons also snatched golden tabiz from the neck of informant and documents related to tractor and after that they fled away with threatened.

4. Learned counsel appearing on behalf of the petitioner submits that due to enmity the petitioner has been made accused in the present case. The petitioner has however three antecedents, but he has been released on bail in all the cases. The allegation as alleged in the F.I.R. is not sustainable considering the age of the petitioner, who is about 74 years old and he has informed him that the petitioner is ready to execute an affidavit that in future he will not indulge in any criminal act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submitted that the petitioner has dare to enter into the Court premises and has dragged the informant in front of the Court.

6. Considering the nature of allegation made against the petitioner as well as the fact that petitioner is ready to file undertaking that in future he will not indulge in criminal act in the manner as alleged against him and to that effect he is ready



to file a personal affidavit before the learned Court below, let the above named petitioner, be released on provisional bail subject to the above condition as has been submitted on behalf of the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M., Ist Class, Gaya in connection with Civil Line P.S. Case No. 76 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The affidavit is directed to be filed within a period of three weeks from the date of passing of this order. Till then the petitioner is directed to be released on provisional bail.

8. If such an affidavit is filed, the provisional bail of the petitioner shall be made absolute on such terms and conditions and in case of failure this order will loose its force.

(Purnendu Singh, J)

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