

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47863 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- BARARI District- Katihar

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Suraj Yadav @ Suraj Kumar Yadav Son Of Kishor Yadav Resident Of
Village- Barari, Ward No. 01, Ps- Barari, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Barari P.S. Case No. 71 of 2023 instituted under under Sections 341, 504, 506, 34 of the Indian Penal Code and 25(1-b)a/26/35 of the Arms Act lodged on 8.3.2023 by the informant, Manish Kumar Jha.

As per the prosecution story, the accused persons came and after making query as to why Barari police was informed about Pappy Yadav, they were beaten. When the local came, they left the place. Accordingly, the FIR.

Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner rather a country made pistol which has been alleged in the FIR was recovered from the road and there is omnibus allegation



there.

Learned APP opposes the prayer.

Considering the fact that omnibus allegation is there, the recovery of pistol is from the road, injury report is not on record and ultimately he will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Barari P.S. Case No. 71 of 2023 to the satisfaction of learned A.C.J.M.-III, Katihar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation



and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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