

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49695 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Bhola Yadav @ Bhagirath Yadav S/O Haris Chandra Yadav @ Harischandra
Yadav R/O Village- Baburahi, Ps. S. Kamal, Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
15.05.2023, in connection with S. Kamal P.S. Case No. 315 of
2022, F.I.R. dated 18.11.2022 registered for the offences
punishable under Sections 147, 148, 149, 447, 307 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along
with other co-accused persons came with country made katta
and bullet to encroach the informant's land and accused
Bashishtha Yadav fired upon the informant but the informant
escaped. It is further alleged that all the accused persons
including the petitioner assaulted his whole family members and
he also gave Rs. 50,000/- as a ransom.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that due to land dispute, the present occurrence had taken place and from a bare perusal of the F.I.R. it appears that there is no accusation of any assault or overt act or firing attributed against the petitioner and at best the petitioner may be a member of a mob and he has not fired upon the informant. He further submits that the allegation of firing attributed against co-accused person namely Bashistha Yadav and the petitioner has been remanded in the present case from S. Kamal P.S. Case No. 316 of 2023 on 15.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R. that the petitioner was present along with arms and apart from the aforesaid, the petitioner carries one more case other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Begusarai in connection with S. Kamal P.S. Case No. 315 of 2022, subject to the following



conditions :-

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

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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