

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49842 of 2022

Arising Out of PS. Case No.-115 Year-2013 Thana- BARACHATTI District- Gaya

Tilak Yadav @ Naresh Yadav (aged about 32 years, Gender- Male), S/o Fagu Yadav R/o village- Garwaiya, Tola- Reganiya Tand, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Ms. Meena singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Barachatti P.S. Case No. 115/2013 dated 27.03.2013 registered for the offence punishable under Sections 447, 341, 323 and 379/34 of the Indian Penal Code (for brevity 'IPC') and Section 27 of the Arms Act.

There is alleged that four named accused persons including petitioner, after breaking the informant's shop in the night have stolen goods and Rs. 30,000/- (thirty thousand) cash. Co-accused Sunil Yadav has stated to have fired upon wife of the informant when she raised hue and cry about the incident.

Learned counsel for the petitioner submits that allegations have been made in the background of some trivial dispute between the parties over tying of cattle at a particular place. The petitioner and informant are co-villagers, therefore, implication is by name. Having no antecedents, petitioner is stated to be in custody since 30.03.2022. There is no allegation of firing upon the petitioner.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, nature of allegation, clean antecedents and the period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released 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 learned A.C.J.M., Sherghatti (Gaya), in connection with Barachatti P.S. Case No. 115/2013, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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