

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52743 of 2023

Arising Out of PS. Case No.-146 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

ANIL YADAV Son of Late Suresh Yadav Resident of village - Satjorhi, P.S. -
Goradih (Jagdishpur), Distt. - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-09-2023 Heard the parties.

The petitioner is in judicial custody in connection with ST No. 249 of 2020 arising out of Jagdishpur (Goradih) P.S. Case No. 146 of 2020 for the offence punishable under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code lodged on 9.5.2020 by the informant, Ashok Yadav .

As per the prosecution story, the allegation against the accused persons are that they surrounded the deceased and assaulted him with iron rod, '*bhala*', in which specific allegation has been attributed against the petitioner herein to have given the '*bhala*' blow on the left leg of the deceased.

Earlier a report was called for which has since been received vide letter no. 217 dated 16.8.2023, according to which, the case has been fixed for evidence and the prosecution



has been directed to adduce the prosecution witnesses.

It is the case of the petitioner that he has remained in custody since 18.11.2021 (para-15 of the petition) and do not have criminal antecedent and one Abhash Yadav allegation against whom was of injuring the leg of the informant's side has since been released anticipatory bail in Cr. Misc. No. 2590 of 2023. Further, one Pawan Yadav has also been granted bail by a coordinate bench of this Court in Cr. Misc. No. 40959 of 2023.

Learned APP opposes the prayer for bail.

Considering the submission put forward by the parties as also the fact that the case is pending for adducing the prosecution witnesses, he has remained in custody since 18.11.2021 and will be diligently appearing in the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-5th, Bhagalpur, in connection with ST No. 249 of 2020 arising out of Jagdishpur (Goradih) P.S. Case No. 146 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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