

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55674 of 2023

Arising Out of PS. Case No.-29 Year-2020 Thana- NADI P.S. District- Bhagalpur

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VISHAL YADAV S/O - DAYANAND YADAV R/O VILLAGE -
BHAWANPURA, P.S. - KHARIK

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Pratima Kumari, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard Mrs. Pratima Kumar, learned counsel for the

petitioner and the State.

The petitioner is in judicial custody in connection with Nadi P.S. Case No. 29 of 2020 for the offence punishable under Sections 147, 148, 149, 379, 504 and 506 of the Indian Penal Code lodged on 22.6.2020 by the informant, Rajo Choudhary.

As per the prosecution story, the informant alleged that she buffaloes were stolen by the accused persons and when they came to know about it and rushed to said place, they were also threatened by the accused persons to leave or they will shoot. Accordingly, the FIR.

It is the case of the petitioner that he has been implicated in this case due to village enmity and only because



he has criminal antecedent.

Learned APP on the other submits that the occurrence is of 2020 and he has chosen to come into judicial custody in 2023.

Considering the submission put forward by the learned counsel for the petitioner as also the State, he is in judicial custody since 20.2.2023 (para-4 of the petition), this Court is inclined to extend him the privilege of bail only after framing of the charge.

Let the petitioner be released on bail after framing of the charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M. 1st, Naugachia or the Court concerned, in connection with Nadi P.S. Case No. 29 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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