

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58191 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- BARAHAT District- Banka

Sanni Yadav @ Sanni Dewal S/O Shashi Bhushan Yadav R/O Village- Baza,
P.S- Amarpur, Distt.- Banka (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 08.05.2023 in connection with Barahat P.S. Case No. 28 of 2022, F.I.R. dated 31.01.2022 for the offences punishable under Sections 147, 148, 149, 323, 332, 333, 353, 307 and 506 of the Indian Penal Code.

3. According to prosecution case, it is case of theft of sand where one co-accused, Pritam Yadav was apprehended and to save Pritam Yadav, this petitioner along with other accused persons assaulted the SDPO, Banka by means of lathi causing injury to him.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per the allegation in the



F.I.R, the co-accused, namely, Pritam Yadav along with other accused persons created hindrance and there is specific allegation against the co-accused, namely, Pritam Yadav who assaulted the SDPO, Banka by means of lathi and he has disclosed the name of the petitioner and other accused persons. He further submits that there is no allegation of any assault or overt act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Pritam Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 04.01.2023 passed in Cr. Misc. No. 35315 of 2022. The petitioner is in custody since 08.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits that the same was instituted after the filing of the present case.

6. Considering the aforesaid facts and circumstances, 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 Chief



Judicial Magistrate, Banka in connection with Barahat P.S. Case
No. 28 of 2022, subject to the following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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)

Vanisha/-

U		T	
---	--	---	--

