

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58376 of 2023

Arising Out of PS. Case No.-225 Year-2018 Thana- KHARIK District- Bhagalpur

Vishal Yadav, Son of Dayanand Yadav, R/o village- Naya Tola Bhawanpura,
P.S. - Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ved Prakash Chandan, Advocate
		Mr. Rajesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kharik P.S. Case No. 225 of 2018, registered for the alleged offences under Sections 341, 387, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, co-accused Bambam Yadav along with four miscreants, who were variously armed, came to the house of the informant and asked his whereabouts from his daughter-in-law. The informant came to know that all the five persons were armed, he fled away from his house in fear. The miscreants threatened the daughter-in-law of the informant and demanded Rs.50,000/- as extortion money,



otherwise they threatened that they would shoot the informant. They also opened fire.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The name of the petitioner came up in this case on the confession of co-accused Bambam Yadav. Otherwise, there is nothing against the petitioner. There is no eye witness to the alleged occurrence. The learned counsel further submits that prayer for bail was rejected by the learned Sessions Judge due to the fact that inadvertently the criminal antecedent of the petitioner was not mentioned in the bail petition before the learned Sessions Judge. The learned counsel further submits that there are three cases pending against this petitioner. The petitioner is in custody since 14.03.2023 and the charge sheet has been submitted.

5. Learned APP opposes the submissions made on behalf of the petitioner.

6. Perused the records.

7. Having regard to the facts and circumstances of the case and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail



bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Naugachia/court concerned, in connection with Kharik P.S. Case No. 225 of 2018, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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