

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62637 of 2022

Arising Out of PS. Case No.-25 Year-2020 Thana- KISHUNPUR District- Supaul

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PHULCHAND YADAV S/O LATE NETILAL YADAV Resident of village-
Dhobiahi, P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Ms. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Kishanpur P.S. Case No. 25 of 2020, registered for the

offences punishable under Sections 147, 148, 149, 341,

342, 323, 307, 504 and 506 of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case as emerges from the FIR is

that on 09.02.2020, the informant Bechan Prasad Yadav

along with his daughter Anju Bharti came to Tharbitta

market for purchasing articles on the occasion of marriage of

his elder daughter, Kiran Kumar and after marketing, he



along with his daughter was returning to house and when he reached near Mahabir Mandi at Tharbita Koshi Bandh, the co-accused started firing upon his daughter, due to which she sustained injury.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner was not sent-up by Police, finding him not guilty. However, taking cognizance, the Ld. Magistrate was pleased to issue summon against the petitioner to face Trial and there is no specific allegation against the petitioner. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 15.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No. 25 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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