

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68416 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- CHANDI District- Nalanda

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Anandi Yadav S/O Late Doman Yadav Village- Beldhana, Ps. Chandi, Dist.
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chandi P.S. Case No. 361 of 2022 dated 04.09.2022, lodged
under Sections 147, 148, 149, 341, 307, 302/ 504 of the I.P.C
read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 13 named and 7-8 unnamed accused persons.
The allegation against all 20-21 accused persons, named and
unnamed including the petitioner that they came with duly
armed and assaulted the father of the informant. When his
brothers and other family members of the informant reached
there to save him, then they were also assaulted by them.

4. It has been alleged in the F.I.R. that five named
accused persons other than the petitioner were firing and due to
the said fire, the father of the informant died and the treatment

of his brothers is going on in Patna.

5. Learned counsel for the petitioner submits that from the contents of the F.I.R., it transpires that the said occurrence took place due to the question of irrigation of land. Counsel submits that from the contents of the F.I.R., it is crystal clear that there is nothing specific against the petitioner and there is neither any act nor overt act has been alleged in the F.I.R., save and except that his name has been added in the accused column.

6. Learned counsel for the petitioner further submits that the antecedent of the petitioner is clean and he is in custody since 06.11.2022. Counsel further submits that the other co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 64466 of 2023.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Chandi P.S. Case No. 361 of 2022, subject to the conditions as laid

down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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