

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72795 of 2022**

Arising Out of PS. Case No.-203 Year-2020 Thana- ARA NAGAR District- Bhojpur

JATAHA YADAV @ JATA YADAV Son of Late Ram Sawarath Yadav
Resident of Village - Ibrahimnagar, P.S.- Ara Town, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

For the Informant : Mr. Md. Ataul Haque, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 12-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
30.06.2022 in connection with Ara Town P.S. Case
No.203/2020, F.I.R. dated 18.05.2020, for the offences
punishable under Sections 341, 384, 506, 504, 307/34 of the IPC
& Section 27 of the Arms Act.

According to prosecution case, the petitioner along
with co-accused persons demanded ransom of Rs. Five lacs
from the informant and when the informant denied to pay the
extortion money, the petitioner and co-accused, namely, Biram
Yadav have fired upon the informant and his brother to kill them
but any how the informant and his brother fled away and saved



their life.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that as per F.I.R., the allegation against the petitioner is that he fired upon the informant and his brother but the bullet has not hit anyone. He further submits that in fact, no such occurrence as alleged in the F.I.R. has taken place and the present case has been instituted only to harass the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.06.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carried three criminal antecedent other than the present one.

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 CJM, Bhojpur, Ara in connection with Ara Town P.S. Case No.203/2020, subject to the following conditions:-



1. 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.

2. 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.

3. 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)

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