

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70445 of 2023

Arising Out of PS. Case No.-284 Year-2022 Thana- PIRPAINTI District- Bhagalpur

Radhe Shyam Yadav S/O Kheladi Yadav R/O Village- Kahalgaon Tola, P.S-
Pirpanti, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. Ambrish Kumar Jha, learned counsel for
the petitioner and Mr. Pranav Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Pirpanti P.S. Case No. 284 of 2022, F.I.R. dated 30.08.2022 for the offences punishable under Sections 147, 148, 149, 341, 323, 326, 327, 307, 448 and 504 of the Indian Penal Code and later or Section 302 of the Indian Penal Code and Section 27 of the Arms Act were added.

3. According to prosecution case, due to a dispute between the parties, all the accused persons including the petitioner assaulted the informant and his family members and also fired upon them due to which they all sustained injuries.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that the F.I.R is in two parts, according to part one, there is general and omnibus allegation against all the accused persons including this petitioner and according to part two, there is specific allegation of firing against the co-accused persons, namely, Sanyal Kumar @ Captain Yadav, Rahul Yadav, Tej Narayan Yadav and Ranjan @ Puttan Yadav and there is no allegation of any assault or overt act or firing attributed against the petitioner and at best the petitioner is the member of the mob.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no allegation of any assault or overt act or firing attributed against the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Bhagalpur in connection with Pirpanti



P.S. Case No. 284 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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)

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