

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67061 of 2022**

Arising Out of PS. Case No.-241 Year-2022 Thana- CHAND District- Kaimur (Bhabua)

ATAMA YADAV S/o Ram Bahadur Yadav R/v- Maghgai, P.S.- Chand,
District- Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

4 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 20.08.2022 in connection with Chand P.S. Case No. 241/2022, F.I.R. dated 15.08.2022, for the offences punishable under Sections 342, 323, 367, 504, 506 and 34 of the Indian Penal Code.

According to prosecution case, the petitioner along with other co-accused persons have taken the informant to U.P in the forest area and the petitioner pressurized him to tell the Chand Police that his brother Shatrudhan Yadav have been falsely implicated by the Chand Police after taking bribe of Rs. 50,000/-. The informant has disclosed the reason behind the occurrence that 8 days ago hot exchange was done between the



informant and Shatrudhan Yadav, the brother of the petitioner and just after few days, Shatrudhan Yadav was arrested by the police with firearms and sent to jail.

Learned counsel for the petitioner submits that the 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 no such occurrence as alleged in the F.I.R. has taken place and the injury report of the informant suggests that all the injuries sustained by the informant are simple in nature caused by hard and blunt object. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.08.2022.

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 carries eleven criminal antecedent other than the present one but fairly submits on the basis of supplementary affidavit that out of eleven cases, the petitioner is on bail in eight cases and he has been acquitted in other three cases.

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 A.C.J.M.- IV, Kaimur at Bhabua, in connection with Chand P.S. Case No. 241/2022, 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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