

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69743 of 2022

Arising Out of PS. Case No.-197 Year-2020 Thana- BAKHTIYARPUR District- Patna

DINANATH YADAV S/O SURENDRA YADAV Resident of Village- Alipur,
P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Advocate
		Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Ms.Sarandha Suman, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-04-2023 Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel for the Informant.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R and apprehending his arrest in connection with Bakhtiyarpur P. S. Case No. 197 of 2020 registered for the offences punishable under Sections 341, 324, 326, 332, 353, 307/34 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner is to open fire upon informant and others, along with co-accused persons, while they were returning to Remand Home, Gaighat, Patna City from Barh Civil Court.



Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely for the reason that he is the brother of main co-accused, namely, Chandan Yadav. It is submitted that allegation of firing is not available against this petitioner, rather same is available against co-accused, Chandan Yadav. It is further submitted that entire allegations is founded over failed love-affairs which was not accepted by the parents of the parties and consequently several criminal cases were lodged countering each other. While concluding the argument, it is submitted that petitioner found involved in five (5) criminal cases out of enmities between the parties, where in four (4) cases he is on bail.

Learned APP duly assisted by learned counsel, Ms. Sarandha Suman, for the informant, while opposing the prayer of bail submitted that petitioner is a man of criminal antecedents as it is evident from the Para-3 of the present bail petition itself.

Considering the aforesaid facts and circumstances, as allegation of firing is not available against the petitioner, where implication is only for the reason that he is brother of the main co-accused, Chandan Yadav, let above named petitioner, in the event of his arrest or surrender within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Barh, Patna/concerned Court, in connection with Bakhtiyarpur P. S. Case No. 197 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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