

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69393 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BARAHAT District- Banka

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BHAVESH YADAV @ BHAWESH YADAV S/O Late Chandrika Yadav R/O
Village- Mirzapur Changeri, P.S.- Barahat, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner seeks permission to
make necessary correction in paragraph no. 10 of the present
bail application in the course of day.

Permission is accorded.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 323, 332,
333, 353, 307 and 506 of the Indian Penal Code.

According to prosecution case, when the police
conducted a raid and arrived at Punsiya Chowk, it is alleged that
the driver and owner of the vehicle tried to escape but one of
them was apprehended who disclosed his name as Pritam Yadav
and surrounded the informant and other police personnel and



started pelting stones on them.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case and he was not arrested at the spot and the name of the petitioner has been transpired during the investigation on the basis of the confessional statement of one co-accused, namely, Pritam Yadav who was arrested on the spot. He further submits that there is no specific allegation against the petitioner. He further submits that similarly situated, co-accused persons ,namely, Tipu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 09.09.2022 passed in Cr. Misc. No. 34036 of 2022, Pramod Yadav has also been granted bail vide order dated 26.08.2022, passed in Cr. Misc. No. 32097 of 2022, Niyaz Ansari has also been granted bail vide order dated 16.11.2022, passed in Cr. Misc. No. 41570 of 2022 and Bihari Yadav has also been granted bail vide order dated 16.11.2022 passed in Cr. Misc. No. 42967 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.08.2022.

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



ground that petitioner carries one 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 Court below where the case is pending in connection with Barahat P.S. Case No. 28 of 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)

Alok Verma/
Aditya

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