

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73833 of 2023

Arising Out of PS. Case No.-389 Year-2023 Thana- BARH District- Patna

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Bajrangi Yadav S/O- Late Vijay Yadav Village- Hasanchak Bahirama Ps- barh
Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Barh P.S. Case No. 389 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 354, 307, 379, 504, 506/34 of the IPC and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others are said to have assaulted the informant and made indecent behaviour with her and also snatched her *mangalsutra* and gold chain and took away Rs. 50,000/- which was kept in almirah. It is further alleged that petitioner and other co-accused persons made several round of firing through their pistols in order to create furious atmosphere.

4. Learned counsel for the petitioner submits that



petitioner is in custody since 23.06.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is a case and counter case between both the parties on the same date of occurrence. There is no specific allegation attributed against the petitioner rather the same is general and omnibus in nature. He further submits that so far as section 379 of IPC is concerned which is nothing but ornamental in nature in order to make the case grievous and so far as Section 354 of IPC is concerned, there is no specific allegation against the petitioner. Learned counsel has filed supplementary affidavit through which he submits that all the injuries are simple in nature except injury no.1 and the same are caused by hard and blunt substance. He further submits that co-accused, Shivji Yadav, has already been granted bail vide Cr. Misc. No. 74719 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the



petitioner, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.1, Barh, District-Patna in connection with Barh P.S. Case No. 389 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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