

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72131 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- RAJNAGAR District- Madhubani

Amar Yadav, Male, aged about 25 years, S/O Baleshwar Yadav, R/O Village-
Chatra, P.S- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 15-02-2023 Heard Mr. Ashok Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Surendra Prasad Singh,
learned APP for the State.

2. Petitioner, who is in custody since 20.07.2021,
seeks regular bail in connection with Rajnagar P.S. Case No.
181 of 2021 corresponding to G.R. No. 1132 of 2021 registered
for offences punishable under Sections 147, 149, 341, 323, 353,
332, 326, 504, 506, 225 and 511 of the Indian Penal Code,
pending in the Court of learned A.C.J.M.-I, Madhubani.

3. Prosecution case in brief is that petitioner along
with other six miscreants forcibly tried to free co-accused Gopal
Kumar Mandal and Pawan Yadav, who were accused in
Babubarshi P.S. Case No. 133 of 2021.

4. Learned counsel appearing on behalf of the



petitioner submitted that earlier prayer for bail of the petitioner was rejected vide order dated 16.06.2022 passed in Criminal Miscellaneous No. 15993 of 2022 with a liberty to the petitioner to renew his prayer for bail after six months. He further submitted that petitioner is in custody since 20.07.2021 and the trial has also not proceeded. He further submitted that petitioner undertakes that he will not indulge in such illegal act in future and to that effect, the petitioner is ready to furnish a duly sworn affidavit before the Court below. The petitioner may be released on any terms and conditions.

5. Learned A.P.P., for the State informs this Court that earlier the bail application of the petitioner was rejected considering the fact that the petitioner is a veteran criminal and five cases are pending against him. It will not be proper in public interest to enlarge the petitioner on bail and there is every chance that petitioner will become nuisance to the society.

6. Considering the rival submissions of the parties as well as nature of allegation made in the FIR and it has been informed by the learned counsel for the petitioner that petitioner undertakes that he will file duly sworn affidavit before the learned Court below declaring that he will not indulge in any offence/crime in future. The trial has also not progressed and the



petitioner has remained in custody since 20.07.2021, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Madhubani in connection with Rajnagar P.S. Case No. 181 of 2021 corresponding to G.R. No. 1132 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the



petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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