

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8898 of 2023**

Arising Out of PS. Case No.-148 Year-2017 Thana- BARHARA KOTHI District- Purnia

JAI CHAND YADAV, Son of Naresh Yadav R/V- Pakil Par, P.S- Bihariganj,
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

3 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail who is in custody since 13.08.2021 in connection with Barhara (Raghubansh Nagar) P.S. Case No. 148 of 2017 for the offence registered under Sections 147, 148, 149, 341, 323, 307, and 363 of the I.P.C. and Section 27 of the Arms Act.

It is alleged in the prosecution case that on 28.06.2017, the petitioner along with other co-accused persons duly armed with weapons came at the place of Shradh Karm of the mother of one Kundan Kumar Yadav and took out the son of the informant from the tent and co-accused Sahil Saurav pointed pistol on the son of the informant and the accused persons



including the petitioner tied the son of informant and brutally assaulted him with three nutt pistol, rifle etc. Thereafter, he fell down becoming unconscious.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and due to village politics he has been falsely implicated in the present case. The present case is counter blast of Barhara P.S. Case No. 147 of 2019 lodged by the co-accused Sahil Saurav against the son of the informant and others. He further submits that nothing incriminating has been recovered from possession of the petitioner and the injury on the person injured is simple in nature. He also submits that other co-accused Umesh Yadav @ Umesh Kumar Yadav and Sukhdev Yadav have already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 28.08.2019 passed in Cr. Misc. No. 40203 of 2019 and similarly co-accused Naresh Yadav has already been granted anticipatory bail vide order dated 17.07.2020 passed in Cr. Misc. No. 12755 of 2020 and one co-accused Sahil Saurav has also been granted regular bail by the learned Sessions Judge, Purnea in B. P. No. 480 of 2020. The petitioner is in judicial custody since 13.08.2021. Charge-sheet has already been submitted.



Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner and submitted that the petitioner has some criminal antecedent.

Considering the submissions on behalf of the parties, the material against the petitioner as well as the nature of injury and also the fact that the petitioner is in custody since 13.08.2021, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in Barhara (Raghubansh Nagar) P.S. Case No. 148 of 2017, subject to the following conditions:-

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

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

(Sunil Dutta Mishra, J)

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