

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3253 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- SHANKARPUR District- Madhepura

Satendra Yadav Son Of Late Dev Narayan Yadav R/O Village- Kalhua,
Jharkaha, Ward No.17, P.S.- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Rajiv Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Shankarpur P.S. Case No. 132 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 447, 323, 307, 379, 427, 384, 386, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that while the informant was ploughing his land by tractor, in the meantime, all the accused persons including the petitioner armed with various weapons came and started assaulting the informant as well as his driver. The accused petitioner allegedly fired upon the informant but did not hit anyone and thereafter one Sanjay Yadav taken away the tractor of the informant.

Learned counsel appearing on behalf of the petitioner



submits that from the FIR, it is evident that altogether thirteen named accused persons and other unknown persons have been made accused in this case without there being specific allegation. So far as the allegation of firing is concerned, no injury has sustained to anyone. In fact only on account of land dispute the name of the petitioner has been implicated in this case. He further submits that another co-accused against whom there is allegation that he has taken away the tractor of the informant has been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 7870 of 2023 vide order dated 12.04.2023. He next submits that there is a counter version of the present case instituted by co-accused Sanjay Yadav. He also submits that the petitioner is in custody since 28.07.2022 and now the charge-sheet has been submitted and as such there is no chance of tempering the evidence.

On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been leveled against the petitioner; and the tractor which was taken away, the same was found in front of the house of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that none has received



any injury and the tractor has also been recovered, coupled with the period of custody and the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhepura, in connection with Shankarpur P.S. Case No. 132 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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