

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20789 of 2023

Arising Out of PS. Case No.-220 Year-2019 Thana- NATHNAGAR District- Bhagalpur

Tufani Yadav @ Tufan Yadav Son of Uchho Yadav @ Ucho Yadav R/V- Naya Tola, Mirjapur, P.S.- Madhusudanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

9 19-06-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 220 of 2019 instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the named accused persons including the petitioner as also ten unknown miscreants, variously armed with wicket, bat as also country made pistol, came at the place of occurrence and assaulted the labourers, Informant and his *Fufera* brother. There is also an allegation of firing against the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case due to ulterior motive. There is an admitted land dispute between the parties. He further submits that though there was 7 to 8 rounds of firing but, no one sustained any injury in the alleged occurrence and, thus, Section 307 of the I.P.C. does not attract. He further submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner is languishing in judicial custody since 07.11.2020 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. The petitioner has also filed supplementary affidavit stating therein that the petitioner has altogether 12 criminal antecedents as has been stated in paragraph no.4 of the same.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has 12 criminal antecedents and several witnesses have supported the prosecution case and, thus, he does not deserve bail.

7. From perusal of the report of the court below dated 27.05.2024, it appears that the charge has been framed on 09.01.2024 and the case is fixed for prosecution evidence. Summons has also been issued on 28.02.2024.



8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, the report sent by the court below as also there being no specific allegation against the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nathnagar (Madhusudanpur) P.S. Case No. 220 of 2019, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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