

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31479 of 2024

Arising Out of PS. Case No.-403 Year-2022 Thana- BARARI District- Katihar

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Fulo Yadav, Aged about 38 years, Gender-Male, S/O Late Bhuneshwar Yadav
@ Bhuvneshwar Yadav @ Bhumeswar Yadav, R/O Village- Bakiya Sukhai,
P.S- Barari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barari
P.S. Case No. 403 of 2022 instituted for the offences punishable
under Sections 147, 148, 149, 341, 323, 307, 302, 201, 364,
386/120(B) of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per the prosecution case, the informant, his son
and other villagers had gone to Bhawanipur Diyara to graze
their cattle. At about 10.30 a.m. the accused persons about 23 in
numbers armed with deadly weapons came there and demanded
extortion of Rs. 2000/- and they also threatened to kill, if
demand will not be fulfilled. On protest, one Mohna Thakur



threatened to kill all of them. It is further alleged that they abducted informant's son and committed murder, after search three dead bodies including the informant's son were recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicion. The informant is not an eye witness of the alleged occurrence and no specific allegation levelled against the petitioner rather general and omnibus allegation levelled against him. Except suspicion no consistent material has come out against him. Similarly situated co-accused person namely, Raju Pandey has already been granted bail by this Court vide order dated 01.03.2024 passed in Cr. Misc. No.6079 of 2024. Moreover, petitioner is languishing in judicial custody since 13.10.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 the learned Additional Chief Judicial Magistrate-III, Katihar in connection with Barari P.S. Case No. 403 of 2022 with following conditions:-

(i) The petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the Court below.

(Ramesh Chand Malviya, J)

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