

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44447 of 2024**

Arising Out of PS. Case No.-66 Year-2024 Thana- KHAGARIA District- Khagaria

Santosh Yadav @ Lucho Yadav Son of Late Rambahadur Yadav R/O Vill.-
Bari Kothiya, P.S.- Muffasil, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Khagaria (Muffasil) P.S. case No. 66 of 2024 instituted for the
offences under Sections 341, 323, 307, 427, 504, 506, 379,
448/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. Prosecution case, in short, is that this petitioner
along with co-accused arrived at the office of the informant and
abused him. It is further alleged that accused persons made
indiscriminate firing upon him but somehow the informant
managed to escape. Thereafter, the accused persons broke the
lock of the office and stole camera, cash amounting to Rs.



44,000/-, machine, CCTV camera and several other articles.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that there is a delay of two days in lodging the FIR without plausible explanation and in fact, no any injury was sustained to the informant, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that T.I.P. has not been conducted till date. There is no compliance of Section 100 of the Cr.P.C. It has been submitted on behalf of the petitioner that the petitioner is in custody since 31.01.2024 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, no specific allegation against the petitioner and the fact that no any firearm injury was caused to the informant as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the 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 Court below/concerned Court in connection with Khagaria (Muffasil) P.S. case No. 66 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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