

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47102 of 2024

Arising Out of PS. Case No.-90 Year-2020 Thana- KURSAILA District- Katihar

Birha Yadav @ Bibhash Yadav Son of Late Pulkit Yadav R/O Village-Latra,
P.S. Gopalpur, Distt. Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 04-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Kursela P.S. Case No.90 of 2020, lodged on 11.05.2020, under Sections 384/386/307 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against two named accused persons other than the petitioner against whom there is allegation that they had made firing upon the police party and it is due to this reason the FIR has been lodged by the police officials against the named accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the petitioner is not named in the FIR. His name has



figured in this case by virtue of investigation. There is no allegation in the FIR against him. He submits that there is one case pending against the petitioner in which he is on bail and he is in custody since 11.12.2023. Counsel further submits that other accused persons have been granted bail by this Court as well as by a coordinate Bench of this Court vide order dated 04.02.2022 and 24.06.2023 passed in Cr. Misc. No.58464 of 2021 and Cr. Misc. No.36041 of 2023 respectively.

5. Learned counsel for the State opposes the prayer for bail and submits that name of the petitioner has come during investigation and he was member of the persons who attacked on the police party.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, as well as on being satisfied that petitioner is not absconding in Kursela P.S. Case No.84 of 2020**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Kurshela P.S. Case No.90 of 2020, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with



other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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