

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54138 of 2024

Arising Out of PS. Case No.-241 Year-2023 Thana- GOPALPUR District- Bhagalpur

Piyush Yadav @ Piyush Kumar Yadav (Male), aged about 30 years, son of Barun Yadav @ Varun Kumar, R/O village- Chaparghat, P.S.- Gopalpur, Dist- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar, Advocate
For the Opposite Party : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 24-09-2024 This matter has been listed under the heading ‘For Orders (on office notes)’.

2. Vide order dated 07.08.2024, a report regarding the present stage of Sessions Trial No. 914 of 2023, arising out of Gopalpur P.S. Case No. 241 of 2023.

3. In compliance of the aforesaid order dated 07.08.2024, a report regarding the present stage of Sessions Trial No. 914 of 2023, arising out of Gopalpur P.S. Case No. 241 of 2023 has been sent by the learned Ist Additional District and Sessions Judge, Naugachia vide its Letter No. 75 dated Naugachia 22nd August, 2024 by which it has been reported that the charge has been framed on 15.01.2024 against the sole accused Piyush Yadav. Out of five witnesses, three witnesses



have already been examined on behalf of the prosecution. It is also reported that the trial may be concluded within a period of six months. There is a delay on behalf of the prosecution.

4. Heard learned counsel for the petitioner and learned A.P.P. for the State.

5. The petitioner seeks bail in connection with Sessions Trial No. 914 of 2023, arising out of Gopalpur P.S. Case No. 241 of 2023 dated 25.05.2023 registered for the offences punishable under Sections 341, 307, 379, 385, 387/34 of the I.P.C. and Section 27 of the Arms Act.

6. As per the prosecution case, on 24.05.2023, the informant ploughed his field and thereafter he started ploughing the field of Pramod Kumar Singh by Tractor. In the meantime, the co-accused Piyush Kumar Yadav alongwith 4-5 unknown miscreants armed with weapons came there and on the point of weapon, took the key of his tractor and demanded Rs. 50,000/- as ransom. On being protested, the co-accused Piyush Kumar Yadav and other co-accused snatched Rs. 10,000/- which was meant for diesel, seeds, golden ring and Tractor and started fleeing away. When the nearby farmers came and protested then the co-accused Piyush Kumar Yadav opened fire on the informant but which did not hit him. Thereafter, the accused



persons forcibly took his tractor and fled away from there. When police was informed, the accused persons left his tractor but took away the key and other instruments.

7. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation against the petitioner. There is land dispute between the parties. No incriminating article has been recovered from the possession of the petitioner. The informant has got no injury as the bullet did not hit him. There is no specific allegation against the petitioner. The alleged occurrence took place on 24.05.2023 as to when the F.I.R. has been lodged on 25.05.2023 after a lapse of one day and for the delay in lodging of the F.I.R., no explanation has been given by the prosecution which creates doubt on the prosecution case. The petitioner has eighteen criminal antecedents as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 30.06.2023.

8. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

9. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond



of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Naugachia in connection with Sessions Trial No. 914 of 2023, arising out of Gopalpur P.S. Case No. 241 of 2023 with further conditions:-

- (I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.
- II. If the petitioner is found involved in any other criminal case in future, his bail bond is liable to be cancelled.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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