

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57570 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Jagga Yadav @ Ashish Yadav @ Ashish Kumar (Jagga), S/O Late Sikendra
Yadav, R/O Village- Sukhashan-Dhanoja, P.S- Simri Bakhtiyarpur, Dist.-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Arun Kumar, learned Advocate for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Simri Bakhtiyarpur (BKP) P.S. Case No. 15 of
2024 registered for the offences punishable under Sections 341,
323, 307, 506/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The allegation against the petitioner and other
accused persons is of causing indiscriminate firing. It is the fact
that on account of the firing none of the person, including the
informant, has sustained any injury.

4. Learned Advocate for the petitioner referring to the
narrations made in the F.I.R. contended that omnibus nature of
allegation has been levelled against all the F.I.R. named



accused, including the petitioner, causing indiscriminate firing, however, it is admitted fact that the informant has not sustained any injury. It is further contended that the present case is nothing, but instituted in order to counter Bakhtiyarpur P.S. Case No. 16 of 2024; Though it has been instituted subsequent to the present F.I.R., but as one Bittu Kumar, who happens to be brother of co-accused Chandan Yadav, has sustained injury and he was taken to hospital for treatment, thus delay has caused. In the aforesaid case, the brother of the informant has been made accused. It is next contended that save and except the omnibus nature of allegation, there is nothing on record, which suggests the complicity of the petitioner. Neither there is recovery of any arms nor any one has sustained injury. It is lastly contended that the reason for false implication of the petitioner is also his criminal antecedent, which runs nine in number, however, the petitioner is on bail in all the case, as mentioned in para. 3 of the bail application. The petitioner is in custody since 08.04.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the criminal antecedent of the petitioner speaks loud.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation and the fact that none has sustained any injury, moreover, the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the case and counter case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Simri Bakhtiyarpur (BKP) P.S. Case No. 15 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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