

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63654 of 2024

Arising Out of PS. Case No.-47 Year-2021 Thana- BHEJA District- Madhubani

Ghuran Yadav @ Ghuran Kumar Yadav @ Shobha Kant Yadav S/O Late Ut-
tim Lal Yadav R/O Village- Baluaaha, P.S.- Bheja, District Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Adv

For the Opposite Party/s: Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bheja P.S. Case No. 47/2021 lodged on 31.05.2021 under Section 341/323/324/307/302/504/506/34 of the Indian Penal Code and 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged against fifteen named accused persons including the present petitioner against whom there is an allegation that petitioner has supplied the weapon from which crime has been committed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence.



Counsel further submits that specific allegation has also been asserted that which accused persons has played what role in commission of the crime. Learned counsel further submits that the name of the petitioner has been figured in this case during the investigation and as indicated by counsel for the petitioner that in the case diary, paragraph No. 80 is absolutely against him with an allegation that petitioner is the supplier of the arms in the present case. Counsel further submits that the criminal antecedent of the petitioner is clean and the petitioner is in custody since 04.07.2024. He further submits that several accused persons have been granted bail vide order dated 27.06.2023 in Cr. Misc. No. 20237, vide order dated 23.06.2022 in Cr. Misc. No. 11170 of 2022 and vide order dated 17.05.2022 in Cr. Misc. No. 22884 of 2022.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that upon perusal material which has been figured during the investigation, it becomes crystal clear that petitioner is the main conspirator of the occurrence and he is only the supplier of the arms.

6. Learned APP for the State opposes the prayer



for bail submits that the name of the petitioner has been figured in the F.I.R., but subsequently, his name has come through witnesses that he has provided the arms.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted bail *after framing of charge, if the charge is not framed yet* and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Learned A.C.J.M-I Jhanjharpur in connection with Bheja P.S. Case No. 47/2021 subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the 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 con-



cerned 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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