

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74913 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- GOPALPUR District- Bhagalpur

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Piyush Yadav @ Piyush Kumar Yadav Son of Barun Yadav @ Varun Kumar
@ Barun Kumar Resident of Village - Chaparghat, P.S. - Gopalpur, District -
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Gopalpur P.S. Case No.
72 of 2023, instituted for the offences punishable under Sections
341, 385, 387, 504, 506, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons went to the house of the
informant, abused him and demanded ransom of Rs. 1,00,000/-.
On protest by the informant and his family members, the
accused persons started indiscriminate firing.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case as well as Charge has already been framed against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that there is delay of two days in lodging the FIR. There is no allegation of causing injury to anyone. No arms have been recovered from the possession of the petitioner. It is further submitted that the allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 12.06.2023 and has got eighteen criminal antecedents.

5. Learned APP 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 and taking into account 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalpur P.S. Case No. 72 of 2023, 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.

(IV) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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