

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81431 of 2023

Arising Out of PS. Case No.-617 Year-2022 Thana- GAYA MUFASIL District- Gaya

Satyendra Prasad Yadav @ Satyendra Kumar @ Satendra Kumar Son Of Late
Kedar Yadav R/O Village- Kaiya Tola, Maniyaara, P.S.- Muffasil, District-
Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 05-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No.617 of 2022, lodged on 16.08.2022,
under Sections 307/504/506/323/341/147/148/149 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against
16 named accused persons. The allegation in the FIR that all
accused persons have fired on the informant as well as they
assaulted the informant side.

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



submits that for the same date and place of occurrence case and counter case has been lodged. Informant side has lodged criminal case bearing Muffasil P.S. Case No.617 of 2022 whereas petitioner's side lodged Muffasil P.S. Case No.618 of 2022. Counsel submits that both the well-known to each other and resident of the same village. Counsel submits that it has been alleged that one person has been injured but in the FIR no specific allegation against the present petitioner. Counsel submits that petitioner is in custody since 18.09.2023. Counsel submits that he has mentioned one criminal antecedent in the main application in which he has been acquitted. But by supplementary affidavit, he has stated that there are two more criminal cases pending against the petitioner.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that antecedent of the petitioner is not clean and he is still not appearing and evading his appearance in the pending cases.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only on being satisfied that petitioner**



is not absconding in the following cases, i.e., (i) Muffasil P.S. Case No.172 of 2004 and (ii) Muffasil P.S. Case No.178 of 2023, 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, Gaya, in connection with Muffasil P.S. Case No.617 of 2022, 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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