

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83198 of 2023

Arising Out of PS. Case No.-413 Year-2023 Thana- LAXMIPUR District- Jamui

SHIV YADAV @ SHIVAJI YADAV SON OF SHREE YADAV R/O
VILLAGE- JINHARA, P.O.- KALA, P.S.- LAXMIPUR, DIST.- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner, Mr. Rajesh
Kumar Sinha and Ms. Asha Kumari, learned APP.

2. The petitioner is apprehending his arrest in connection with Laxmipur P.S. Case No. 413 of 2023 for the offence under Sections 341, 385, 387, 504 and 506 of the I.P.C. and under Section 27 of the Arms Act, lodged on 11.09.2023 by the informant, Nandan Kumar Singh.

3. As per the prosecution story, the informant alleged that road construction work was allotted to one Sweta Kumari as the construction work was going on, the petitioner wanted to stop it and demanded ransom money. The further allegation is that he opened fire and also demolished the foundation stone that was laid there. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because he belongs to the family member of the elected Pramukh, he has been implicated. Further submission is that though there is an allegation of firing, no such used cartridges



have been found on the ground. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners submits that he is ready to pay Rs. 10,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer stating that he has criminal antecedent.

6. Taking into account the aforesaid fact though initially this Court was not inclined to extend him privilege of anticipatory bail considering his criminal antecedent but in view of the fact that the used cartridges have not been found on the ground, FIR lodge and he will have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the Chief Minister's Relief Fund and the receipt thereof has to be submitted to the concerned Court.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-II, Jamui in connection with Laxmipur P.S. Case No. 413 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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