

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9484 of 2024

Arising Out of PS. Case No.-6 Year-2023 Thana- NADI P.S. District- Bhagalpur

Sakaldev @ Sakli Yadav @ Sakli @ Sakaldeo Yadav SON OF LATE
RAMWATAR YADAV R/O-OF, VILLAGE- LATTIPUR. PS-BIHPUR.
DIST .BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nadi P.S. Case No. 06 of 2023, lodged on 11.03.2023 under
Sections 302, 120(B), 34 of the Indian Penal Code read with
section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against nine named accused persons including the present
petitioner. As per the FIR, it transpires that 10-15 persons
arrived in the night and surrounded the informant and his
associates. The brother of the informant was shot in the
indiscriminate firing by the accused persons. The deceased has
sustained 11 injuries.

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



also submits that from bare perusal of the FIR, nothing specific has been alleged against the present petitioner. Counsel further submits that the only thing which is against the petitioner is that his antecedent is not clean.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is not clean and there are twelve criminal cases pending against him in which he is on bail. The petitioner is in custody since 05.06.2023 in the present case. Counsel also submits that charge-sheet has already been filed in this case and charge has also been framed. Counsel further submits that other co-accused persons have been granted bail by the co-ordinate bench of this Court *vide* order dated 28.07.2023 passed in Cr. Misc. No. 45730 of 2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named, be granted bail**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional



District & Sessions Judge 1st, Naugachia, Bhagalpur in connection with Nadi P.S. Case No. 06 of 2023, subject to the conditions as laid down U/s 437(3) 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 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.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose



details are as follows:-

(I)- Bihpur P.S. Case No. 40 of 2021.

(II)- Bihpur P.S. Case No. 366 of 2021.

(III)- Bihpur P.S. Case No. 48 of 2022.

(IV)- Bihpur P.S. Case No. 52 of 2022.

(V)- Bihpur P.S. Case No. 135 of 2022.

(VI)- Bihpur P.S. Case No. 666 of 2022.

(VII)- Bihpur P.S. Case No. 30 of 2023.

(VIII)- Bihpur P.S. Case No. 181 of 2023.

(IX)- Bihpur P.S. Case No. 142 of 2023.

(X)- Kharik P.S. Case No. 128 of 2021.

(XI)- Kharik P.S. Case No. 289 of 2022.

(XII)- Kharik P.S. Case No. 117 of 2023.

(Dr. Anshuman, J.)

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