

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3055 of 2024

Arising Out of PS. Case No.-844 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Pinku Yadav, Son of Musahru Resident of Mohalla- Babu Tola, Police
Station- Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Maslehuddin Ashraf, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nathnagar P.S. Case No. 844 of 2023, lodged on 12.10.2023
under Sections 147, 148, 149, 341, 323, 333, 353, 379, 427,
504, 506 of the Indian Penal Code read with section 27 of the
Arms Act.

3. As per the prosecution case, FIR has been lodged
against the 3 named and 3 unknown accused persons including
the present petitioner against whom there is an allegation in the
FIR that when police party reached for investigation to the
house of the accused, then the named and unknown accused
persons started abusing the police party and misbehave with
them. It is due to this reason, the said FIR has been lodged.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the antecedent of the petitioner is not clean and there are six criminal cases pending against him in which in five cases, he is on bail and in one case he is persuading for bail. Counsel submits that the petitioner is in custody since 13.10.2023. Counsel further submits that the FIR is highly improbable as there were five police personnel and only three persons were assaulted and this story is highly improbable.

5. 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.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed** 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, Bhagalpur in connection with Nathnagar P.S. Case No. 844 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.

7. However, the petitioner shall be granted bail only after Trial Court on being satisfied with the affidavit to be submitted by the petitioner before the Trial Court indicating therein that he is not absconding in any of the cases pending against him whose details are as follows:-



- (I)- Nathnagar P.S. Case No. 75 of 2013.
- (II)- Nathnagar P.S. Case No. 177 of 2018.
- (III)- Nathnagar P.S. Case No. 301 of 2018.
- (IV)- Nathnagar P.S. Case No. 485 of 2019.
- (V)- Nathnagar P.S. Case No. 116 of 2014.
- (VI)- Nathnagar P.S. Case No. 822 of 2023.

(Dr. Anshuman, J.)

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