

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77873 of 2024

Arising Out of PS. Case No.-41 Year-2002 Thana- BARACHATTI District- Gaya

Birendra Yadav Son of Ram Chandra Yadav Resident of Village- Kariyadpur,
P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Barachatti (Mohanpur) P.S. Case No. 41 of 2002, registered for the alleged offences under Sections 147, 148, 149, 341, 342, 458, 364, 323, 325, 307, 506 of the Indian Penal Code and Section 17 of C.L.A. Act.

03. As per prosecution case, the informant, who is *Chowkidar* of the area concerned, was brutally assaulted by 15-16 miscreants who were the members of a Maoist Communist Centre (MCC). The name of the petitioner transpired during investigation for being involved in the alleged occurrence.

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



case. From the FIR, presence of the petitioner could not be inferred. The petitioner has been named in this case merely on suspicion and his name transpired in the confessional statement of co-accused Ram Prit Yadav. On 06.04.2024, summons were issued against the petitioner by the court of learned Judicial Magistrate-1st Class, Sherghati, Gaya and thereafter on 06.07.2024, the petitioner filed a surrender-cum-bail petition before the same court. Learned counsel further submits that there is no injury report on record. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Sherghati, Gaya in connection with Barachatti P.S. Case No. 41 of 2002, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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