

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88392 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Sunil Yadav @ Mannu Yadav @ Manu Yadav Son of Swami Nath Yadav @
Samidhan Yadav @ Somidhan Yadav Resident of Vill- Jawhi dair, P.S. and
District- Bahia (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Buxar Industrial P.S. Case No.199 of 2024 for the offences punishable under Sections 109, 3(5) of BNS and Section 25(1-B)a, 27, 35 of the Arms Act lodged on 28.08.2024 by the informant, Lalu Kumar Yadav.

3. As per the prosecution story, the informant was returning home on his pickup van and allegation is that accused persons including this petitioner on a motorcycle opened fire, as a result of which the wind-shields of the vehicle was broken. Two of the accused persons were apprehended by the locals while the petitioner managed to escape. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he



has not been arrested from the spot, the police forced the other accused persons to name him only because the petitioner has criminal antecedent. Further, the petitioner was employee of the pickup van owner and as he left the job, as a revenge, his name has cropped up. The last contention is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.5,000/- (Five thousand) to the informant to be paid through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP, Mr. Aditya Naryan Singh No.1 submits that the petitioner has criminal antecedent and he was the person who escaped though his accomplices were arrested on the spot.

6. Taking into account the submissions put forward by the parties as also the fact that the petitioner was not arrested on the spot, his name has come in the confessional statement of the other accused, has remained in custody since 08.09.2024, charge-sheet has already been submitted, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.5,000/- (Five thousand) to the informant to be



paid through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with aforesaid PS Case subject to the following conditions:

(i) one of the bailors should be the family members/relative 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month 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.

(Rajiv Roy, J)

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