

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40166 of 2014

Arising Out of PS.Case No. -133 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

Satendra Yadav, Son of Sri Gumani Yadav, resident of Village- Dumariya,
P.S.+ District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.42267 of 2014

Arising Out of PS.Case No. -133 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

Bishram Yadav, son of Late Mati Yadav, resident of Village - Dumariya,
Police Station - Town Gopalganj, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.40166 of 2014)

For the Petitioner/s : Mr. Upendra Yadav, Advocate.

For the Opp. Party/s : Mr. Jagdhar Pd.(APP)

(In Cr.Misc. No.42267 of 2014)

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate.

For the Opp. Party/s : Mr. Pronati Singh (APP)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-01-2015 Both the petitioners are facing prosecution for offence under Sections 147, 148, 149, 323, 324, 307, 379 and 302 of the Indian Penal Code.

The defence of the petitioner Satendra Yadav is that there is no allegation of any specific overt act as with regard to assault on the deceased and that he has no criminal antecedent. It has also been stated that the petitioner, in fact, has been said to have assaulted the informant resulting into some simple injuries on his person.

As with regard to Bishram Yadav, it has been submitted that there is an allegation of assault against him on the deceased, but the same is by way of omnibus allegation wherein three persons including the petitioner is said to be the assailant of the deceased. The petitioner Bishram Yadav also claims that he has got no criminal antecedent.

Having regard to the nature of allegation, while this Court, for the time being, is inclined to grant bail to the petitioner Satendra Yadav, the prayer for bail of petitioner Bishram Yadav in Cr. Misc. No. 42267 of 2014 is hereby rejected with liberty to renew his prayer for bail after a period of completion of one year of judicial custody.

That being so, petitioner Satendra Yadav is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 133 of 2014, subject to the following conditions:

- (i) That both of the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar



nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

- (iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.
- (iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Sujit/-

(Mihir Kumar Jha, J)

U			
---	--	--	--