

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.72863 of 2018**

Arising Out of PS. Case No.-91 Year-2018 Thana- BACHHWARA District- Begusarai

Naresh Prasad Yadav @ Ram Naresh Prasad Yadav, Son of Late Kameshwar Yadav Resident of Village-Chamtha, Chakki, Ward no.6, P.S. Bachhwara, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Sandip Kumar Gautam, Advocate |
| For the Informant        | : | Mr. Manoj Kumr Singh, Advocate    |
| For the Opposite Party/s | : | Mr. Sri Satyendra Prasad (APP)    |

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      13-12-2018                      Heard learned counsel for petitioner, learned counsel for the informant as well as learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Bachhwara P.S. Case No. 91 of 2018 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that while she was with her deceased husband in the field, F.I.R. named accused came there variously armed with deadly weapons and at the instigation of petitioner five F.I.R. named accused assaulted his husband as a result he sustained grievous injury and also died during treatment.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been



falsely implicated in this case. Allegation against petitioner is only of instigating other named accused. There is no specific allegation of any overt act against petitioner. Petitioner has no criminal antecedent and he is in custody since 07.06.2018.

Learned counsel for the informant has vehemently opposes the prayer for bail.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri P.K. Dixit, learned 1<sup>st</sup> Additional Sessions Judge, Begusarai, in connection with Bachhwara P.S. Case No. 91 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

Rajiv/Manoj

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