

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1045 of 2019

Arising Out of P.S. Case No.-758 Year-2016 Thana- MADHEPURA District- Madhepura

Arun Yadav, son of Late Sobha Nand Yadav Resident of Village-Berba, Ward
No-7, P.S.-Madhepura, Dist.-Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was rejected vide order dated 14.11.2017 passed in Cr.Misc.No.37305 of 2017. Petitioner is languishing in judicial custody since 28.05.2017 in connection with Sessions Trial No.22 of 2018 arising out of Madhepura P.S.Case No.758 of 2016 for the offence alleged under Sections 147, 341, 323 and 302 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while he raised an objection of cutting of the bamboo tree from his field the petitioner along with others started abusing his mother Nagia Devi. Specific allegation of assault is against co-accused Arvind Yadav and the petitioner along with two others



are also named who have assaulted his mother Nagia Devi who while being taken to the special treatment succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and general and omnibus allegations have been levelled against him. He submits that there is specific allegation against co-accused Arvind Yadav and just because the petitioner is next door neighbour of the informant, he has been dragged in the said offence. He further undertakes to cooperate in the trial on day to day basis. He further submits that co-accused Arvind Yadav and co-accused Pappu Yadav have already been enlarged on bail by the court below.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sessions Trial No.22 of 2018 arising out of Madhepura P.S.Case No.758 of 2016 to the satisfaction of Ist Additional District and Sessions Judge, Madhepura, District



Madhepura, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

B.Kr./-

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