

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67925 of 2019**

Arising Out of PS. Case No.-3 Year-2018 Thana- MOUZAHDIPUR District- Bhagalpur

KUNDAN YADAV, aged about 40 years (Male), Son of Shri Suraj Yadav,
Resident of Mohalla - Abdul Kadir Lane, Maheshpur, P.S.- Babarganj
(Mojahidpur), Distt - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Brij Nandad Prasad, Advocate.
For the Opposite Party : Mr.Rabindra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 24-10-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 364, 307 and 379/34 of the IPC.

The prosecution story, in brief, is that on 30.12.2017
at 8.30 P.M. the informant had gone to purchase vegetable in the
Market situated in and around the Durga Asthan Aliganj,
Bhagalpur, where Rahul Sah came alongwith Gaurav Goswami
@ Baba on Pulsar Motorcycle in his hand. It is further alleged
that they stopped the Motorcycle near him and got down and
asked him to sit on the Motorcycle and when he opposed them,
their friends, namely, Pinta Sah, Kundan Yadav (petitioner),
Karku Yadav, Raghav Sharma, Tuntun Yadav came there and



forced him to sit on the Motorcycle in between Rahul Sah and Gaurav Goswami @ Baba. It is alleged that they brought the informant in the Rolling Mill and there all the persons named in the F.I.R. said him that they have kidnapped him and forced him to put his cloth and thereafter they mercilessly assaulted the informant from Lathi, Danda, Belt, Knife and rod till the informant became senseless and when regain sense he found himself in the Mayaganj Hospital where his fardbeyan has been recorded.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 03.08.2019. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. General and omnibus allegation has been made against the petitioner. No specific injury is attributed against the petitioner. Other co-accused has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 73410 of 2018 under order dated 20.12.2018.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioner above named, 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 the learned 2nd Additional District and Sessions Judge, Bhagalpur, in connection with Sessions Trial No. 936 of 2018 (corresponding to Mojahidpur (Babarganj) P.S. Case No. 03/2018.

(Sudhir Singh, J)

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