

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13317 of 2021

Arising Out of PS. Case No.-584 Year-2020 Thana- MADHEPURA District- Madhepura

1. Pradeep Yadav Son Of Mahendra Yadav Resident Of Village- Yadav Nagar, P.S. And Distt- Madhepura.
2. Mahendra Yadav Son Of Late Sukhdeo Yadav @ Mukhdeo Yadav Resident Of Village- Yadav Nagar, P.S. And Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-09-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Madhepura P.S. Case No. 584 of 2020 registered for the offence punishable under Sections 341, 323, 307, 379, 504, 506, 34, 302 of the Indian Penal Code.

As per the prosecution case, while the informant's nephew Dheeraj Kumar was returning from toilet and reached near Kamath of Chandeshwari Yadav, all the accused persons named in the FIR



including this petitioner surrounded him and started abusing and beating. It is further alleged that at the instigation of Tilo Yadav, co-accused Bablesh Yadav gave an iron rod blow on his head causing injury to him. When the informant's son came to rescue him then all the accused persons also caught hold him and other co-accused Nitish Kumar gave a Dabia blow on his head causing bleeding on his head. Thereafter, all the accused person indiscriminately assaulted him with lathi. Later on, informant's son died during course of treatment.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that from the F.I.R. it appears that accused Bablesh Yadav assaulted the victim Dhiraj Kumar with iron rod and co-accused Nitesh Kumar assaulted the victim cum deceased Sonu Kumar with Dabiya, so these petitioners are not assailant of victim Dhiraj and deceased Sonu Kumar. There is no specific allegation of assault against the petitioners and only on suspicion petitioners are made accused in the present case. He submits that similarly situated co-accused has already been granted bail *vide* order dated 30.06.2021 passed in Cr. Misc. No. 13792 of 2021 by a Co-ordinate Bench of this Court. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner No. 1 has one criminal case and Petitioner No. 2 has no criminal case against him as has been mentioned in para 3 of



this bail application. They are languishing in custody since 16.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Madhepura P.S. Case No. 584 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioners who will give on affidavit genealogy as to how he is relative to petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused 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 ground of misuse.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if



not already concluded and make themselves available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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