

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13703 of 2021

Arising Out of PS. Case No.-411 Year-2020 Thana- PHULPARAS District- Madhubani

KAPLESHWAR YADAV @ KAPILESHWAR YADAV S/O Late Palat Yadav
R/O village - Dhausahi, P.S. - Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Phulparas P.S. Case No. 411 of 2020 (G.R. no. 1559/2020) registered under Sections 147, 148, 149, 341, 323, 302 and 504 of the Indian Penal Code.



Seven named accused persons have come to the informant's house and have beaten the informant and his son. They were driven away by the villagers. Later on it is alleged that the perpetrators have come back and again assaulted. The informant's brother aged about 65 years namely Dev Karan Yadav has intervened and has also sustained injuries and succumbed to the injuries.

The counsel for the petitioner submits that photocopy of affidavited bail petition has been filed and the same is kept on record.

It is submitted by learned counsel for the petitioner that he has committed no offence. It is false in so far as the petitioner is concerned. Even from the prosecution case, it is evident that he is not named in the FIR and the petitioner is in custody since 14.10.2020. Altogether there are seven named accused persons and if at all the offence would be made out against the said seven persons. The petitioner is stated to be on bail in Phulwaria P.S. Case no. 278/2016. He is in custody in connection with this case since 14.10.2020 and investigation is also complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and



circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 A.C.J.M.-II, Jhanjharpur, Madhubani in Phulparas P.S. Case No. 411 of 2020 (G.R. no. 1559/2020), subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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