

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24153 of 2021

Arising Out of PS. Case No.-171 Year-2020 Thana- PAKARIBARAW District- Nawada

1. Dharmendra Yadav S/O Rajendra Yadav R/O Village-Budhauri, P.S.- Pakribarawan, District-Nawada.
2. Kapil Yadav S/O Shyam Yadav R/O Village-Budhauri, P.S-Pakribarawan, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 30-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The present application is only pressed with respect to
the co-accused petitioner no.2 Kapil Yadav, son of Shyam
Yadav. As petitioner no.1 Dharmendra Yadav has already been
released on bail vide order dated 09.07.2021 in the present bail
application arising out of Pakribarawan P.S. Case No.171 of
2020 on the basis of specific prayer made by the petitioner no.1
Dharmendra Yadav that his father had died and he was required
to performed Shradh Ceremony of his late father.

Prosecution case in brief, is that eight accused persons



armed with weapon indiscriminately assaulted the informant's husband and other family members. On protest, the co-accused Ajit Yadav and Ranjit Yadav are said to have given Axe blow on the head of the informant's husband, as a result of which, he sustained injury.

It is submitted on behalf of the petitioner that petitioner has got no criminal antecedent and there is no allegation of tampering of witness alleged against the petitioner. The petitioner has falsely been implicated in the present case. It has further been submitted that there is specific allegation against co-accused Ajit Yadav and Ranjit Yadav, who are said to have assaulted the deceased with Axe. So far as petitioner is concerned, there is general and omnibus allegation against him and from the perusal of postmortem report it appears that there are only three external injury caused to the deceased on his head. It has further been submitted that one co-accused, namely, Dharmendra Yadav who is petitioner no.1 in this case has already been released on bail vide order dated 09.07.2021, prima-facie considering the said fact the petitioner has made out a case to be released on bail.

Learned counsel appearing on behalf of the State submits that petitioner is named in the FIR and considering the



facts and circumstances of the case petitioner do no deserves to be released on bail, as the nature of offence is severe one.

Considering the aforesaid facts and circumstances of the case, let the petitioner no.2, above named, be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Nawada in connection with Pakribarawan P.S. Case No.171 of 2020, subject to the following 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.

(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.

(Purnendu Singh, J)

Prakash Narayan /-

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