

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28235 of 2021**

Arising Out of PS. Case No.-170 Year-2018 Thana- KATORIYA District- Banka

Indradeo Yadav, S/o - Lusha Yadav Resident of Village- Ukhariya, P.S. and District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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

2 13-12-2021 Heard learned counsel appearing on behalf of the petitioner as well as learned Additional Public Prosecutor appearing for the State.

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

Petitioner who is in custody since 25.09.2020 seeks bail in connection with Katoriya P.S. Case No.170 of 2018 registered for offence punishable under Sections 147, 148, 149, 341, 323, 342, 427, 452, 307, 302, 35(B), 504 and 506 IPC.

Prosecution case in brief is that, altogether twenty accused persons named in the FIR including the present petitioner armed with lethal weapon assaulted one Ganesh Yadav who died in course of treatment. Petitioner along with two other persons have been alleged to have assaulted one Sunil Yadav.



Learned counsel appearing on behalf of the petitioner submits that there is no specific allegation against the petitioner of assault on the deceased Ganesh Yadav. So far as the allegation of assault inflicted by the petitioner on Sunil Yadav, one co-accused Prem Yadav has already been released on anticipatory bail vide order dated 19.08.2019 passed in Cr. Misc. No.51493 of 2019 and petitioner submits that against him also similar allegation has been made and as such he also deserves to be released on bail.

Learned counsel appearing on behalf of the State, however, opposes the prayer for bail.

Considering the facts and circumstances of the case and there is no direct allegation against the petitioner of any overt act so far as deceased Ganesh Yadav is concerned, however there is general and omnibus allegation of assault on Sunil Yadav and similarly situated co-accused Prem Yadav has been enlarged on bail, let the petitioner, above named, is directed to 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 Judicial Magistrate, Ist Class, Banka in connection with Katoriya P.S. Case No.170 of 2018, 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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