

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34453 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- PARBATTa District- Khagaria

SHAMBHU YADAV S/O SUDHIR YADAV R/o village- Dewri, P.S.-
Parbatta (Maraiya), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Supplementary Parbatta P.S. Case No. 207 of 2020 registered for the offence under Sections 147, 148, 149, 323, 324, 326, 307, 302, 354A and 427 of the Indian Penal Code.

The petitioner along with others are said to have assaulted the family members of the informant including him resultantly they sustained injuries and one of them succumbed to the injuries.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, there is general and omnibus allegation against the petitioner and no specific allegation of assault in any manner is attributed to him rather the specific allegation is attributed to the co-accused, namely, Ajay Yadav, who is said to have assaulted on the head of the nephew of the informant by farsa. Moreover, the co-accused, namely, Kishore Yadav and Nunulal Yadav, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 10.03.2021 passed in Cr. Misc. No. 39786 of 2020. The petitioner is rotting in judicial custody since 16.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Khagaria in connection with Supplementary Parbatta P.S. Case No. 207 of 2020 with the



following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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