

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3902 of 2021**

Arising Out of PS. Case No.-466 Year-2019 Thana- SAUR BAZAR District- Saharsa

RAKESH KUMAR son of Bipin Yadav Resident of Village- Arraha, Ward
No.07, P.S.- Sour Bazar, district- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 22-03-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner 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 petitioner seeks bail in connection with Sour Bazar P.S. Case No. 466 of 2019, dated 25.11.2019 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 384, 379, 504, 506 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code.

As per the prosecution case, the allegation has been made in the FIR that the co-accused including the petitioners have



assaulted the father of the informant by means of *Farsa* on his head, as a result of which, he died. However, counsel for the petitioner submits that there is no specific overt act attributed against the petitioner. There is case and counter case between the parties. The specific allegation is against the co-accused Mithilesh Yadav, Bijendra Yadav, Arun Yadav and Kishore Yadav.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence and has falsely been implicated in the present case due to malice, grudge and enmity on account land dispute and during the course of investigation the Police has not found any legal and cogent material against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature.

Learned counsel for the petitioner urged that petitioner has no criminal antecedent as mentioned in Para 3 of the bail application and is languishing in jail custody since 27.02.2020 having no fault on his part. He further submits that similar situated co-accused persons have been granted privilege of bail vide order dated 25.09.2020 passed in Cr. Misc. No. 14009 of 2020



Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 466 of 2019.

(Anjani Kumar Sharan, J)

GAURAV S./-

U		T	
---	--	---	--

