

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38790 of 2020**

Arising Out of PS. Case No.-152 Year-2020 Thana- PIPRA District- Supaul

Chandeshwari Yadav Son Of Late Dahu Sah Resident Of Village - Tekuna,
P.S. - Pipra, District - Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Pipra P.S. Case No. 152/2020 registered for the offences punishable under Section 147, 148, 149, 302 of the Indian Penal Code.

As per the prosecution story, the informant alleged that on 10.06.2020 his brother namely Rabindra Yadav @ Akal was providing fodder to the cattle, suddenly Babloo Yadav and others armed with arms came there and started assault to his brother. It is alleged that Babloo Yadav armed with farsa assaulted on the head of the brother of the informant who became senseless and fell down there, Lakhan Yadav and Rajdeo Yadav also assaulted with iron rod and others were



assaulted with lathi. Thereafter all the villagers came there and brought the injured to the hospital for treatment and on 12.06.2020 the brother of the informant died.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, specific allegation of causing assault on the vital part of the deceased is against co-accused Bablu Yadav, Lakhan Yadav and Rajdeo Yadav. Learned counsel submits that so far as this petitioner is concerned, there is general and omnibus allegation against him and he is in custody since 20.07.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the specific allegation of causing assault on the vital part of the deceased is against co-accused Bablu Yadav, Lakhan Yadav and Rajdeo Yadav, so far as this petitioner is concerned, there is general and omnibus allegation against him that he had assaulted along with others to Dinesh Kumar and Lalan Kumar, the allegations are vague and omnibus in nature, the petitioner has otherwise no criminal antecedent and has remained in jail in connection with this case since 20.07.2020,



investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – 6th, Supaul, in connection with Pipra P.S. Case No. 152/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

