

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3553 of 2021**

Arising Out of PS. Case No.-157 Year-2019 Thana- KAUWAKOL District- Nawada

GORE YADAV Son Of Kailash Prasad Yadav RESIDENT OF VILLAGE -
NAWADIH, P. S. - RUPAU (KAWAKOLE), DISTRICT - NAWADA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

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

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

2 13-04-2021 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the stamp reporter within four weeks from the date of start of normal functioning of this Court.

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 Kawakole P.S. Case No. 157 of 2019 registered for the offences under Sections 147, 149, 341, 323, 307, 353, 337, 338, 427, 226, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that while the informant was coming to police station with police force



after arresting the accused Mithilesh Yadav @ Don, the F.I.R. named and 40-50 unnamed accused persons having lathi- danda and bricks attacked on the police personnel. The accused persons injured the police personnel and also damaged the police vehicle and they got freed the arrested accused.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is general and omnibus allegation against 24 named and 40-50 unnamed accused persons. It is further submitted that the petitioner has no criminal antecedent and he is in custody 23.09.2020.

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

Having regard to the facts and circumstances of the case and the submissions of learned counsel for the petitioner that the petitioner is named in the F.I.R. amongst 24 named and 40-50 unnamed persons who had allegedly assembled with lathi danda and brick pieces and had assaulted the police force, co-accused against whom also there were general and omnibus kind of allegations have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 64346 of 2019 (Annexure-4) and some of the



accused have been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 58205 of 2019 and other cases, the petitioner has remained in jail in connection with the present case since 23.09.2020 and prior to this case, he had no criminal antecedent, learned A.P.P. for the State is unable to show that the case of this petitioner is distinguishable from the cases of those who have been granted bail by learned co-ordinate Bench of this Court, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Nawada in connection with Kawakole P.S. Case No. 157 of 2019, 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

