

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7354 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- CHANAN District- Lakhisarai

Ramotar Yadav Son of Sri Kuldeep Yadav, resident of village- Maliya, P.S.-
Chanan, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-06-2021 In view of sudden surge of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Senior Counsel for the petitioner, learned counsel for the informant as well as learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Chanan P.S. Case No.23 of 2020 registered for offence punishable under sections 147, 148, 149, 341, 323 and 302 of the Indian Penal Code.

There is a general and omnibus allegation in the FIR



of assault by the various accused persons including the petitioner. The specific allegation is against Nitish Kumar co-accused of having assaulted the deceased Rajesh Yadav. In the process it is alleged that the petitioner was holding Rajesh Yadav by his right hand.

The learned Senior Counsel submits that the petitioner has been named along with others based on omnibus and general allegation and on such basis the petitioner is in custody since 27.05.2020. The specific assault even as per F.I.R. is alleged against Nitish Kumar co-accused. The petitioner has no criminal antecedent and it is a case of false implication based on extraneous consideration.

The learned counsel for the informant and APP have submitted that catching hold of the hand of the deceased in the case active participation of the petitioner.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Lakhisarai in Chanan P.S. Case No.23 of 2020, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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