

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7318 of 2021

Arising Out of PS. Case No.-512 Year-2020 Thana- MADHEPURA District- Madhepura

SURENDRA YADAV SON OF LATE HARI YADAV R/O VILLAGE-
BHADAUL, P.S.- MADHEPURA, DISTRICT- MADHEPURA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Shailendra Kumar Singh, Advocate
For the S t a t e	:	Mr Chandra Bhushan Prasad, APP
For the I n f o r m a n t	:	Mr Surya Narayan Yadav, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 16-07-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner, learned
counsel for the informant and the learned Additional Public
Prosecutor (for brevity, APP) for the State.

The petitioner seeks bail in Madhepura Police
Station (for brevity, PS) Case No 512 of 2020 instituted for the
offence punishable under Sections 147, 148, 149, 341, 323, 324,
307, 302, 504, 506 of Indian Penal Code.

A dispute over construction of the road under
Panchayati Scheme has led to an altercation. 17 First
Information Report (for brevity, FIR) named accused persons
and 8 – 10 unknown persons have, thereafter, assaulted one



Satya Narayan Yadav @ Soti Yadav. The informant has also alleged that co-accused Vakil Yadav has twisted the neck. Against the petitioner, there is allegation, which is omnibus and general against all the accused persons. The latter part of the FIR finds allegation against the petitioner of assaulting Virendra Yadav by means of a spear on the back of his head.

It is submitted by the petitioner's counsel that specific allegation is levelled against co-accused Vakil Yadav of twisting the neck of informant's uncle. In so far as allegation against the petitioner of assaulting informant's brother (Virendra Yadav), the same is false and motivated. No such allegation has been levelled by the alleged victim Virendra Yadav in his statement recorded during course of investigation in paragraph 56 of case diary. It is further submitted that the petitioner has no criminal antecedent and that he is in custody since 22.08.2020

Learned APP for the State of Bihar and learned counsel for the informant have opposed the prayer for bail. The informant's counsel has submitted that all 27 persons have assaulted and, therefore, the petitioner cannot escape his criminal liability.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in connection with Madhepura PS Case No 512 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 giving 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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