

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8825 of 2021**

Arising Out of PS. Case No.-361 Year-2020 Thana- WAJIRGANJ District- Gaya

Dev Yadav @ Devdhari Yadav, S/o Late Chaturi Yadav, R/o village- Siri, P.S.-
Wazirganj, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 03-05-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Wazirganj P.S. Case No. 361/2020
registered for the offences punishable under Sections 147, 148,
149, 323, 307, 302, 504, 506 and 324 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the
First Information Report there are general and omnibus
allegations against all the accused persons of causing assault on
the prosecution party. It is alleged that in the said occurrence the
father of the informant was assaulted by all the accused and he



succumbed to the injuries. Cause of dispute is said to be a piece of land which was purchased by both the parties and both were claiming their right, title and possession over the said land.

Learned counsel for the petitioner submits that from bare perusal of the First Information Report it would appear that in the F.I.R. altogether 11 persons have been made accused and there are general and omnibus kind of allegations against all the accused persons saying that they had come lashed with lathi, danda and khanti and had assaulted the father of the informant and others persons of the family.

Learned counsel submits that the petitioner has been falsely implicated in the case though in the F.I.R. no specific weapon has been attributed to his hand. He is said to be the 80 years old and is even unable to walk.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, there being altogether 11 named accused persons, the allegations are in the nature of general and omnibus and so far as this petitioner is concerned, no specific weapon has been attributed to his hand and he is said to be 80 years old unable to walk, he is in custody for more than six months and at this stage it is not the submission of the State that



release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named 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 Additional Chief Judicial Magistrate-1st, Gaya, in connection with Wazirganj P.S. Case No. 361/2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'

