

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9321 of 2021

Arising Out of PS. Case No.-178 Year-2017 Thana- SONO District- Jamui

Lagandeo Yadav Son Of Aasho Yadav Resident Of Village - Agahara, P.S. -
Sono, District - Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad, Senior Adv.
	:	Mr. Umesh Prasad
For the Opposite Party/s	:	Mr. Akash Raj
	:	Mr. S. Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-09-2021 Heard learned senior counsel Mr. Krishna Prasad assisted by
learned counsel Mr. Umesh Prasad for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sono P.S. Case
No. 178 of 2017 registered for the offence punishable under Sections
147, 148, 149, 323, 324, 325, 326, 341, 342, 307, 302, 120 (B) of the
Indian Penal Code.

Allegation, as per the F.I.R., is that petitioner along with other
co-accused persons had assaulted father, uncle, and cousin brothers
of the informant by means of deadly weapons while they all were



ploughing the field as a result of which informant's uncle *Bharat Yadav* and *Saryug Yadav* had died during the course of treatment. It is alleged that there is an ongoing land dispute between the parties due to which informant's family members were assaulted by the accused persons.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that there is no specific allegation against the petitioner rather there is general and omnibus allegation of assaulting by *Bhala*, *Farsa* and *Lathi* against the all F.I.R. named accused persons. He further submits that similarly situated co-accused persons has already been granted privilege of bail *vide* order dated 27.03.2019 in Cr. Misc. No. 821 of 2019. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and has been languishing in custody since 15.04.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Sono P.S. Case No. 178 of 2017 subject to the following conditions:

(1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(5) It is directed that after release the petitioner will have to appear before the Police Station of his local area in the first week of the each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

GAURAV S./-

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