

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11029 of 2021**

Arising Out of PS. Case No.-25 Year-2003 Thana- GURUA District- Gaya

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RAJA RAM YADAV SON OF LATE BINDESHWARI YADAV Resident of
Village - Kathwara, P.S.- Gurua, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Krishna Prasad Singh, Sr Advocate with M/s Bhaskar Shankar, Saket Kr Singh, Advocates
For the Opposite Party/s	:	Mr Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-07-2021 This case has been taken up for consideration today
through Video Conferencing.

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

The petitioner seeks bail in Gurua Police Station (for
brevity, *PS*) Case No 25 of 2003 instituted for the offence
punishable under Sections 307,341, 323, 147, 148, 149 of Indian
Penal Code and Section 27 of Arms Act.

There is allegation that while the informant was on his
way, the petitioner along with other co-accused persons, has
surrounded him, armed with lathi/danda, and assaulted him.
The brother of the informant and co-villagers have, thereafter,
come to his rescue. In this latter part, it is alleged that co-



accused Upendra Yadav fired upon Mundrika Yadav. Co-accused Rajendra Paswan fired upon Sanjay Yadav and Akhilesh Yadav.

Learned senior counsel for the petitioner submits that there is no allegation against the petitioner that he has fired upon anyone. He is accused of assaulting the informant and other persons with general and omnibus allegations without specifying the assault. It is submitted that the petitioner is having one criminal antecedent in Gurua PS Case No 16 of 2006 in which case he is in custody. The petitioner, in the instant case, is in custody since 28.09.2020 and co-accused Upendra Yadav, similarly situated as the petitioner, has been allowed bail by this Court in Cr Misc No 38842 of 2020.

Learned APP for the State has opposed the prayer for bail.

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 Sub Divisional Judicial Magistrate, Sherghati, District - Gaya in connection with Gurua PS Case No 25 of 2003 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)

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