

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3690 of 2022

Arising Out of PS. Case No.-401 Year-2015 Thana- GAYA MUFASIL District- Gaya

DR. AWADHESH YADAV @ AWADHESH YADAV S/o Jagdish Yadav
Resident at Village-Upathu, P.S.-Atri, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in a case registered for
the offence under Sections 447, 341, 323, 324, 379, 307/34
and later on Section 302 of the Indian Penal Code.

The informant and his family members are said to
have been assaulted by the F.I.R. named accused persons due
to which victim Rahul Kumar has sustained injuries and died
during course of treatment.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that there general and omnibus allegation



against the petitioner and no specific allegation of assault is attributed to him. He further submits that wife of the petitioner has also lodged a case bearing Gaya Muffasil P.S. Case No. 402 of 2015 against the informant. He further submits that similarly situated co-accused, namely, Kunal Yadav @ Kunal Kumar, Arjun Yadav have already been granted bail by different co-ordinate Benches of this Court vide order dated 10.01.2017 and 03.05.2017 passed in Cr. Misc. No. 54552 of 2016 and Cr. Misc. No. 8643 of 2017 and another co-accused, Sonu Kumar has already been granted anticipatory bail by a co-ordinate Bench of this Court. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gaya Muffasil P.S. Case No. 401 of 2015 (G.R.



No. 5547 of 2015) with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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