

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3657 of 2022

Arising Out of PS. Case No.-344 Year-2021 Thana- PARBATTa District- Khagaria

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Pramod Yadav Son of Late Saryug Yadav, Resident of Village- Khiradhi, P.S.-
Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, A.P.P.
For the Informant	:	Mr. Binod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

According to prosecution case, according to the
informant namely Rekha Devi is that on 18.08.2021 when the
informant's husband and accused Pramod Yadav were sitting
together at that time informant's husband told to Pramod Yadav
to give him rice, dal and potatoes in exchange for the Rs.200/-



due to him of the grass, but accused Pramod Yadav denied. The informant's husband blamed him of telling lie and asked him to take swear. On hearing this accused Pramod Yadav abused the informant's husband. In the meantime Nabin Yadav, Pramod Yadav, Kamdev Yadav, Rakesh Yadav and Priyanka Devi came with armed, lathi, danda and indiscriminately assaulted the informant's husband, during which co-accused Navin Yadav assaulted the informant's husband with rod due to which he fell down on the ground. When informant Rekha Devi, her daughter Kajal Devi and son Dilkhush Kumar came to save the informant's husband, then all accused persons naked and dragged the informant and her daughter. All accused persons brutally assaulted the informant's husband and threatened that if she filed any case they will kill everyone and throw them in river Gangas and during treatment her husband died.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation against co-accused namely, Navin Yadav who assaulted the informant's husband with rod due to which he fell down on the ground. He further submits that there is no specific allegation of assault against this



petitioner and there is general and omnibus allegation. He further submits that the inquest report of deceased Devendra Yadav it appears that he received only one head injury. He further submits that the trial is going on and all together eleven charge sheet witnesses in which three charge sheet witnesses including the informant P.W.-1, P.W.-2 and P.W.-3 have been hostile and they clearly disclosed that they have no knowledge with regard to the alleged occurrence. The petitioner is in custody since 26.11.2021.

The learned counsel for the Informant as well as learned A.P.P. have vehemently opposed the prayer for bail of the petitioner and submits that the trial is going on and P.W.-1, P.W.-2 and P.W.-3 have become hostile.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Prabatta P.S. Case No. 344 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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