

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23412 of 2021**

Arising Out of PS. Case No.-96 Year-2020 Thana- RAHIKA District- Madhubani

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Naresh Yadav Son Of Deonarayan Yadav R/O Village- Sugauna Purwari Tol,
P.S.- Rahika, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 11-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

Supplementary affidavit has been filed on behalf of the petitioner.

The petitioner seeks bail in connection with Rahika P.S.Case No.96 of 2020 registered for the offence under Sections 143,341,323,448,504,302 and 379 of the Indian Penal Code.

The prosecution case, in short, is that one Fulo Devi, the informant, made fardbeyan on 09.08.2020 before Rahika Police Officials at Primary Health Centre Rahika before her



sister one Kiran Devi stating therein that her Bhaisur and one Debu Yadav coming at her courtyard started to abuse saying to to your bad action rainy water has been collected on the way and due to that they are feeling difficulty but when she as well as her husband protested and thereafter all the FIR named accused persons came taking lathi and rod in her courtyard. Thereafter, on the order of Debu Yadav , all the accused persons including Naresh Yadav started to assault by lathi and rod to her husband and due to that her husband one Vijay Yadav fell down being senseless and thereafter also all the accused persons assaulted to her and due to that she sustained injury on the head. Further it is alleged that Naresh Yadav and Shila Devi took her golden nose pin. The villagers came on alarm and brought her and her husband at Primary Health Centre Rahika and there the Doctor declared dead to her husband.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR itself that there is general and omnibus allegation against all the accused persons. He further submits that there is no any specific allegation of assault to the deceased or the informant rather it seems land dispute is between the



parties. He further submits that co-accused, namely, Rajendra Yadav has been granted privilege of bail by the learned court below itself. Petitioner is in custody since 14.08.2020.

Learned A.P.P. for the State, on the basis of the case diary, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid fact and period of custody, 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 learned Judicial Magistrate 1st Class, Madhubani in connection with Rahika P.S.Case No.96 of 2020 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 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.

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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