

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15008 of 2022

Arising Out of PS. Case No.-112 Year-2020 Thana- GAUNAHA District- West Champaran

DEEPAK YADAV @ DEEPAK KUMAR YADAV SON OF SRI LALBABU
YADAV Resident of Village - Belwa Bahuwari, P.s.- Gaunaha, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 Heard Mr. Umesh Chandra Verma, learned counsel

for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with
Gaunaha P.S. Case No. 112 of 2020, registered for the
offences punishable under Sections 323, 324, 307, 427,
379, 447, 504, 506 and 34 of the I.P.C.

As per allegation, the informant and his family
members were assaulted by the petitioner and his associates
with *laathi, danda, farsa* etc., causing injuries to them, when
the informant was repairing his hut and its wall. They also
threatened to kill them.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the allegation against the petitioner is general and omnibus in nature. No specific overt act has alleged against him. He further submits that the similarly situated co-accused, namely, Shailesh Yadav has been granted bail by a Bench of this Court *vide* order dated 19.05.2022, passed in Cr. Misc. No. 16259 of 2022.

The petitioner is in custody since 18.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier filed anticipatory bail *vide* Cr. Misc No. 10179 of 2021 which was dismissed for non-prosecution.

It has further been stated that the petitioner has been made accused in two other cases, namely, (i) Gaunaha P.S. Case No. 65 of 2018; and (ii) Gaunaha P.S. Case No. 94 of 2021.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sri Raj Kapoor, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 112 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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