

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18891 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- DELHA District- Gaya

Suresh Yadav S/o Late Iswari Yadav Resident of Village- Chotki Nawada
Sanjay Nagar, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar Sinha No.1, Advocate
For the Informant	:	Ms. Sagrika, Advocate
For the State	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2022 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, learned counsel appearing on behalf of the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in brief, is that the informant namely Banti Kumar on 18.11.2021 at about 13:30 P.M. was sitting on his door. In the meantime, accused persons namely



Suresh Yadav, Awadhesh Yadav, Dinesh Yadav, Rajesh Yadav, Butta Yadav and Kari Devi lashed with lathi, iron rod entered into the house of the informant and attacked with intention to kill. It was further alleged that one Dinesh Yadav @ Jattha armed with pistol opened fire and started beating the informant and his family members due to which they got injured. Informant further alleged that one Dinesh Yadav kicked on the stomach of his pregnant sister Priya Kumari and assaulted his mother with rod. The informant further alleged that all the accused persons dragged his father from the house near Sunil Hardware and brutally assaulted with khanti, rod due to which his father sustained serious fracture on both legs and his eyes were also damaged. When informant tried to save his father the accused persons also beat him with iron rod and all the accused persons fled away. The informant along with his family members went for treatment at J.P.N. Hospital.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is no specific allegation of assault or any overt act against the petitioner and



the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.12.2021.

Learned counsel appearing on behalf of the informant and learned APP for the State have vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Magadh Medical P.S. Case No. 282 of 2021, 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 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 witness, 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 antecedents, 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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