

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19561 of 2022**

Arising Out of PS. Case No.-204 Year-2019 Thana- LAXMIPUR District- Jamui

SUBODH YADAV @ SHUBOD YADAV Son of Nuneshwar Yadav Resident
of village - Snsarpur, P.S.- Gidhaur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Rai, Advocate
For the Informant	:	Mr. Prabhat Ranjan Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 16-06-2022 Heard learned counsel for the petitioner, the informant
and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 149, 341, 323, 324,
307, 504 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 23.01.2022 and is a person with
clean antecedent.

The informant alleges that Pawan Yadav and Manoj
Yadav, elder brothers of the informant Chunchun Yadav, were
present in the field for digging under Nal-jal scheme in the
evening of 07.06.2019, when Banke Yadav, Mukesh Yadav,



Pappu Yadav, Subodh Yadav (petitioner), Lalo Yadav and Nuneshwar Yadav armed with Bhujali, Farsa and Bhala came and started abusing and claiming their land when the land was in possession of the informant for several years. It is alleged that injury was caused to Pawan Yadav and Manoj Yadav on account of assault by Bhulali by the accused persons and when the informant and his family members came to save him they were also assaulted by Bhujali, Farsa and Bhala. It is alleged that Pawan Yadav died during the course of treatment.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault or any overt act is alleged against the petitioner and the allegation of assault is general and omnibus in nature. The police after investigation submitted Final Form No. 385 of 2019, dated 16.11.2019 in favour of the petitioner but the learned court below differing with the police report took cognizance by order dated 20.02.2021 and thereafter the petitioner preferred his anticipatory bail application but during the pendency of the anticipatory bail application, the petitioner was arrested on 23.01.2021. Learned counsel, thus, submits that no doubt the petitioner is named in the FIR but then the allegations are not



specific. It is also submitted that one investigating agency after investigating the case threadbare submitted final form in favour of the petitioner, as such, the benefit of that investigation should come to the petitioner.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner. Learned counsel for the informant submits that police has submitted charge-sheet against three other accused persons against whom trial commenced and they have been convicted and the injured witnesses in their evidence have taken the name of the petitioner in the present regular bail application, as such, the petitioner does not deserve bail but is not able to counter the submission of the learned counsel for the petitioner that police after investigation submitted final form in favour of the petitioner.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that evidence of the prosecution witnesses recorded in the earlier trial will not be relied when the trial commences in the present case and the present petitioner will get an opportunity to cross-examine the witnesses.

Considering the submissions made by the learned



counsel for the petitioner and taking into consideration the fact that the police after investigation submitted final form, the petitioner, above named, is directed to 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 Laxmipur (Gidhaur O.P.) P.S. Case No. 204 of 2019, subject to the condition that if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner then in that event the learned court below shall forthwith cancel the bail bond of the petitioner by recording reasons.

(Satyavrat Verma, J)

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