

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32424 of 2021**

Arising Out of PS. Case No.-73 Year-2020 Thana- SANGRAMPUR District- Munger

RAKESH KUMAR YADAV @ LIBRA YADAV Son of Shivanand Yadav
Resident of Village - Raikar , P.S.- Sangrampur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha, Adv

For the Opposite Party/s : Mr.Syed Ehteshamuddin, A.P.P.

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

5 10-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sangrampur P.S.Case No.73 of 2020, registered for the offence under Sections 147,148,149,448,427,323,324,307,379,504 and 506 of IPC.

Allegation against the petitioner is that he assaulted to Ayush by means of rod on his head causing depressed fracture in his left parietal region.

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 there is admitted land dispute between the informant and co-accused Binodi Yadav. He further submits that as per allegation in the



FIR the petitioner assaulted to Ayush by means of rod on his head causing depressed fracture in his left parietal region. He further submits that co-accused, namely, Mithun Yadav, has been granted bail vide order dated 12.01.2022 in Cr. Misc. No.42986 of 2021 by a Coordinate Bench of this Hon'ble Court. He further submits that the case of the petitioner has been committed on 16.12.2021 and investigation against rest of the accused is going on and the petitioner is in custody since 13.11.2020.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, 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 Sub-Divisional Judicial Magistrate, Munger in connection with Sangrampur P.S.Case No.73 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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