

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25302 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- ATRI District- Gaya

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KEDAR YADAV Son of Late Jethan Yadav Resident of Village - Malahi,
P.S.- Atri in the district of Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Atri P.S. Case No. 293 of 2021 for the offences under
Sections 147, 149, 341, 323, 325, 307, 504 and 506 of the
Indian Penal Code.

As per the prosecution, the informant has alleged that
the FIR named accused persons namely, Umesh Yadav, Mannu
Kumar @ Mannu Yadav, Manoj Yadav including the petitioner
herein were quarreling with father-in-law of the Umesh Yadav
in front of petitioner's house. It is further alleged that all the
accused persons assaulted the informant's husband Saklesh



Yadav with '*lathi*' and '*danda*' who informed his relatives that he should be taken to the hospital. Further allegation is that when the informant came out of her house, she too was assaulted with the 'butt' of the rifle as also Saklesh Yadav was brutally assaulted inasmuch as the accused persons broke his right hand and shoulder. Further specific allegation has been made against Umesh Yadav of causing injury on the head of the informant. The informant anyhow managed to escape and informed the police whereafter they were brought to the Magadh Medical College, Gaya.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that omnibus allegation has been made so far as this petitioner is concerned and is in custody since 08.01.2021 (as stated in paragraph-11 of the bail application).

Considering the fact that omnibus allegation has been made against the petitioner, charge sheet stands submitted and he is in jail since 08.01.2021, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Additional Chief Judicial



Magistrate-XIII, Gaya in connection with Atri P.S. Case No. 293 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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