

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29154 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- MAHESI District- East Champaran

Shyam Sunder Rai Son Of Sri Narayan Prasad Yadav R/O Village- Tajpur
Bara, P.S.- Mehasi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-08-2022 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 and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 332, 333, 307, 337, 338, 427, 353, 504 of the Indian Penal Code.

Prosecution story, in brief, is that the sub-inspector of police who is the informant had received secret information from the Headquarters that an injured person in semi-conscious state was kept in confinement by the accused person Radha Kant Yadav and their family members. On the said information, the police entered into the house of Radha Kant Yadav, in the



meantime, the family members of Radha Kant Yadav and the villagers also came there and the situation became volatile. The police could not control the mob, in which, some of the police personnel sustained injury.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that as per allegation in the F.I.R. there is general and omnibus allegation against the petitioner and in fact the victim namely Prem Prakash was recovered from the house of co-accused namely Radha Kant Yadav and co-accused Radha Kant Yadav and others have been granted bail by a Coordinate Bench of this Court vide order dated 20.04.2022 in Cr. Misc. No. 47576 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.01.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

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 Mehasi P.S. Case No. 76 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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