

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39631 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- BATH District- Bhagalpur

SANTOSH YADAV Son of Arun Yadav Resient of Village- Dhandhi, Belari
(West), P.S.- Bath, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar Singh

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bath P.S. Case
No. 06 of 2020 registered for the offences punishable under
Sections 147, 148, 149, 302, 504, 506, 149 of the IPC.

The father of the informant is said to have been
assaulted by the F.I.R. named accused persons by rod and lathi
as a result of which he died.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence
and he has falsely been implicated in the present case. He



further submits that on the date of occurrence a minor scuffle took place between informant's son and son of the petitioner. He further submits that both side was involved in the said scuffle. He further submits that there was no intention to kill the deceased. It appears from the FIR that only one assault has been given by the petitioner without any repetition. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 15.10.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Vide order dated 03.01.2022 a report was called for with regard to stage of the trial.

The report of the trial court reveals that charge has been framed on 03.03.2021 and the case has been fixed for evidence.

Considering the aforesaid facts and circumstances, 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 the learned Additional Sessions Judge-10th, Bhagalpur in connection with Bath P.S. Case No. 06 of 2020, subject to 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 witnesses, 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 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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