

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40433 of 2021

Arising Out of PS. Case No.-467 Year-2020 Thana- KHAIRA District- Jamui

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KEDAR YADAV @ KEDAR PRASAD YADAV Son of Badho Yadav
Resident of Village - Thansigdih, P.S.- Lokai Nayanpur, District - Giridih
(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Raj, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.
For the informant : Mr. Kartik Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

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 Khaira P.S.
Case No. 467 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 323, 376, 511, 379, 302, 120B of
the IPC and 27 of the Arms Act.

The petitioner along with others are said to have
molested the daughter of the informant and on the protest being
made by the informant to save her daughter, the petitioner is said
to have opened her saree and threw her on the ground and tried



to commit rape upon her and when the son of informant came to rescue her, co-accused British Yadav fired in the mouth of the son of the informant resultantly he died.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is previous enmity between the parties and on account of that the petitioner has been made accused in this case. He further submits that the allegation of firing is attributed to the co-accused, British Yadav as result thereof the son of the informant died. So far as allegation with respect to petitioner is concern, it is evident from the F.I.R. that the petitioner is said to have torn the saree of the informant and tried to commit rape upon her, which totally an absurd story. Moreover, the co-accused, namely, Pramod Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 08-12-2021 passed in Cr. Misc. No. 37117 of 2021. The petitioner is rotting in judicial custody since 11.01.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 C.J.M., Jamui in



connection with Khaira P.S. Case No. 467 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 canceled 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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