

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29870 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- PANJWARA District- Banka

Pradip Yadav S/o Lal Mohan Yadav Resident of Village- Nighari, P.S.-
Panjwara, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar @Deepak Sahay, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Panjwara
P.S. Case No. 49 of 2021 registered for the offence under
Sections 147, 149, 447, 448, 337, 338, 323, 302, 307, 504 and
506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.02.2022.

The allegation against the petitioner is to commit
murder of mother of the informant, alongwith other co-accused
persons, in the background of suspicion, as informant and his
family members were under impression that breaking of
engagement of daughter of one of the co-accused, namely,
Pushpendra Yadav, was due to interference of informant and his



family members.

Learned counsel appearing on behalf of the petitioner submitted that allegation, as regard to assault, is very much general and omnibus, as it is appearing from bare perusal of the F.I.R. itself. It is submitted that the act of the petitioner, which is not appearing intentional, causing death of mother of the informant. It is also submitted that similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 48399 of 2021 dated 25.01.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the allegation, as regard to assault, it very much general and omnibus, as per F.I.R.

Considering the facts and circumstances as mentioned above, as the allegation, as regard to assault, is very much general and omnibus against the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Panjwara P.S. Case No. 49 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned Court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Surendra Kumar Yadav, who is the cousin brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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