

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43616 of 2021

Arising Out of PS. Case No.-142 Year-2020 Thana- NARHATT District- Nawada

1. Rajendra Yadav @ Rajendra Prasad Yadav Son Of Balchan Yadav Resident Of Village- Kanungo Bigha, P.S.- Narhat, District- Nawada.
2. Sajan Yadav @ Sajan Prasad Yadav @ Sajan Kumar Son Of Sakaldeo Yadav Resident Of Village- Kanungo Bigha, P.S.- Narhat, District- Nawada.
3. Munna Kumar Son Of Kailash Yadav @ Kauleshwar Yadav Resident Of Village- Kanungo Bigha, P.S.- Narhat, District- Nalanda.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anand Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-02-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md. Fahimuddin, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Narhat P.S. Case No. 142 of 2020 registered for the offence punishable under Sections 147, 148, 149, 323, 324, 325, 307, 302, 504, 506, 34 of the Indian Penal Code. They are in custody since 03.02.2021 and have got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant alleged that altogether 19



accused persons lashed with weapons including these petitioners had attacked upon the father of the informant namely Ramswaroop Yadav when he was returning to Kanungo village due to some dispute related to a contract. On hulla, the villagers who came to save him have also been assaulted and when the villagers ran towards the place of occurrence then the accused persons fled away. It is stated that the informant's father was initially treated at Narhat hospital from where he was referred to Sadar Hospital Nawada but he died on way.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the occurrence took place on 15.06.2020 but the FIR was lodged on the next day. It is submitted that there is no specific allegation of overt act against these petitioners of causing injury to the father of the informant rather the same is general and omnibus against all the FIR named accused persons. The petitioners have remained in custody since 03.02.2021 having no criminal antecedents.

Learned counsel submits that the presence of the petitioners may be secured in course of trial.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that in this case the alleged occurrence took place on 15.06.2020 at 04:25 P.M. but the



First Information Report was lodged on the subsequent day i.e. on 16.06.2020 even though the informant who is the son of the deceased is said to have reached at the place of occurrence immediately after the occurrence, altogether 19 persons are named in the FIR as the persons who had assaulted the father of the informant, with a reference to a final form (Annexure '3') learned counsel for the petitioners has pointed out that there is no eye witness and there being no specific allegation against them and the petitioners have otherwise no criminal antecedents, they are in custody in connection with this case since 03.02.2021, investigation against them is complete and their presence may be secured in course of trial, therefore, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Ms. Rupa Rani, learned Judicial Magistrate, Nawada in connection with Narhat P.S. Case No. 142 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

