

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43584 of 2021

Arising Out of PS. Case No.-923 Year-2019 Thana- BANKA District- Banka

RAJU YADAV S/O LATE BHAIJU YADAV R/O VILLAGE-HARIPUR, P.S-
BARAHAT, DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 01.06.2021,
seeks regular bail in connection with Barahat (Banka) P.S. Case
No. 923 of 2019, for the offence punishable under Sections 341,
323, 379, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case, in brief, is that on
24.12.2019, at about 2.00 P.M, while daughter of informant was
making Goitha from cow-dung, in the meantime, accused
persons named in the F.I.R., including the petitioner, came there
and started abusing, when informant came, then petitioner and
co-accused Guddo assaulted the informant with lathi on his head



as a result of which he fell down and sustained injury. When wife of the informant came then she was also assaulted by the petitioner and others. Thereafter, Abhay Yadav snatched silver chain and ear ring from the wife of informant.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation against the petitioner. He further submits that similarly situated co-accused Guddo Yadav, Abhay Yadav and Raju Yadav have already been enlarged on anticipatory bail vide order dated 09.12.2020 passed in Criminal Miscellaneous No. 28341 of 2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. However, he has submitted that there is no injury on the forehead of the informant.

Considering the above mentioned facts and circumstances of the case, the similarly situated co-accused Guddo Yadav, Abhay Yadav and Raju Yadav against whom there is specific allegation of assault by means of lathi have already been enlarged on anticipatory bail by this Court and the petitioner has made out a case on parity and as such this Court is of the opinion that petitioner has made out a case of grant of regular bail, the petitioner, above named, be enlarged on bail on



furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 923 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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