

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47810 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- PARBATTa District- Khagaria

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Ajay Yadav S/O Late Jaihind Yadav R/O Village-Devri, P.S-Parbatta
(MARAIYA), District-Khagaria. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv
For the Opposite Party/s : Mr.Uday Chand Prasad, APP
For the Informant : Mr. Hare Krishna, Adv

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-04-2022 A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 326, 307, 302, 354A, 427 of the Indian Penal Code.

It is alleged in the F.I.R. that all the accused persons assaulted the deceased resulting in his death.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation has been made against the petitioner and other accused persons namely, Kishore Yadav,



Guddu Yadav and Nunulal Yadav. He further submits that the postmortem report of the deceased does not support the allegation as alleged in the FIR and postmortem report reveals that only one injury on the head of the deceased by hard and blunt substance. He further submits that it is admitted fact that the land dispute is going on between the parties and the co-accused namely, Kishore Yadav and Nunulal Yadav, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 10.03.2021 passed in Cr. Misc. No. 39786 of 2020 and other co-accused persons have also been granted anticipatory bail or regular bail by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 01.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Supplementary Parbatta P.S. Case No. 207 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 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.

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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