

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50425 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- BIHAR District- Nalanda

CHHOTELAL YADAV Son of Ramashish Yadav Resident of Village -
Ganjpar, P.S.- Deepnagar, Distt.- Nalanda, at Present resident of Mohalla -
Jhingnagar, P.S.- Bihar, Distt.- Nalanda. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar, Adv
For the Opposite Party/s : Mr.Umeshanand Pandit,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 323, 325, 504, 506, 307 and 302 of the IPC.

Prosecution story in brief is that there was certain disputes between the parties with respect to the construction of temple. The informant is the elder brother of the deceased who had died during the fight between the parties in course of treatment.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case



only on the basis of suspicion. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation or overt-act against the petitioner. He further submits that it appears from the FIR itself that the occurrence has taken place due to misunderstanding of the informant and the petitioner so there is no intention to kill the deceased. He further submits that the police, after investigation, submitted chargesheet against the petitioner and on instruction he further submits that the charge has already been framed against the petitioner and the petitioner is in custody since 06.03.2021.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner but fairly submits that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the petitioner carries one more case 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 S.Tr.No.397 of 2021 arising out of Bihar P.S. Case No. 149 of 2021, 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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