

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53054 of 2021

Arising Out of PS. Case No.-92 Year-2007 Thana- BAIRIYA District- West Champaran

Rekha Bin @ Rekha Mukhiya Son of Late Shivdhari Mukhiya @ Shivdhari Bin Resident of Village - Tiwari Tola, P.S. - Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 307 of the Indian Penal Code.

According to prosecution case, the informant Jaleshwar Yadav gave fardbeyan to the police station alleging therein that on 05.10.2007 while the informant was at his house, all the 12 named accused persons, variously armed, came and took away Rajharan Yadav, Satna Yadav Mukhdeo Yadav, Dhruv



Singh, and Dinanath Yadav to the Jagdishpur Paterwa School, and brutally assaulted them; in the result, they, except Dinanath Yadav, died, and Dinanath stampede. The incident was witnessed by Bijali Devi wife of Jata Yadav, wife of RajharanYadav and other villagers. It is further alleged that about six months, Dhandhan Yadav was assaulted by Bagad Bin, Sadhu Bin, Amerika Bind, Rekha Bin and thereafter before 15 days, Bagad Bind was assaulted by Jata Yadav, Jawahar Yadav, Kariman Yadav, Dhandhan Yadav, Sadhu Chaudhary, Suresh Chaudhary, Lalbabu Yadav, Baidyanath, and therefore for the said enmity, the present occurrence has been comitted by the accused persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the twelve accused persons including the petitioner.

Vide order dated 05.04.2022 a report was called for with regard to the present stage of trial. Report reveals that the charge has been framed against the petitioner on 01.04.2022 and till date no any prosecution witnesses has been examined and now this record is running for prosecution evidence. The



petitioner is in custody since 03.03.2021.

Learned counsel for the petitioner submits that in view of the report the trial is not likely to be concluded in near future.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Sessions Trial No. 548-A of 2012 arising out of Bairiya P.S. Case No. 92 of 2007, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

mdrashid/-

U		T	
---	--	---	--

