

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58256 of 2021

Arising Out of PS. Case No.-70 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

RAJESH YADAV Son of Ajeet Yadav Resident of Village- Khutaha, P.S.-
Lodipur (Bai Pas T.O.P.), District- Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-04-2022 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 seeks regular bail in connection with
Jagdishpur P.S. Case No. 70 of 2019, for the offence punishable
under Sections 341, 323, 504, 307/34 and 302 of the Indian
Penal Code.

The prosecution case, in brief, is that informant is the
deceased and has mentioned that there was land dispute with
one Deoraj Yadav, who had assaulted him with fire arm and in
course of treatment he succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner
submits that the so far as co-accused Deoraj Yadav is concerned,
this Court has already enlarged him on bail assigning reasons



that the very F.I.R has been doubted for the reasons that it contains the signature of the informant (deceased) as well as the signature of the son of the deceased and for same reason, it is the specific case of the petitioner that petitioner is not named in the F.I.R. and his case is on better footing as of co-accused Deoraj Yadav, who has already been enlarged on bail by a coordinate Bench of this Court vide order dated 10.03.2021 passed in Criminal Miscellaneous No. 30705 of 2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, this Court, without going into any observation made in order dated 10.03.2021 passed in Criminal Miscellaneous No. 30705 of 2020, finds that petitioner is not named in the F.I.R. The informant (deceased) had land dispute, which led the co-accused to commit murder of the deceased. As per the statement made in paragraph No.3 of the bail application, the petitioner is involved in four other cases in which he has already been released on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Bhagalpur, in connection with Jagdishpur P.S. Case No. 70 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.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any



single default without any valid reasons on the part of the petitioner, his bail bond shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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