

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58233 of 2021

Arising Out of PS. Case No.-171 Year-2020 Thana- PAKARIBARAW District- Nawada

Bhuneshwar Yadav @ Bhonu @ Bhonu Yadav Son of Saryug Yadav Resident
of Village - Budhauri, P.S.- Pakribarawan, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad, Advocate.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bar in connection with Pakribarawan P. S. Case No. 171 of 2020 registered for the offences punishable under Sections 323, 325, 307, 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 31.05.2020, eight accused persons armed with weapon indiscriminately assaulted the husband of the informant and other family members. On protest, co-accused Ajit Yadav and Ranjeet Yadav gave *farsa* blow on the head of the husband of the informant due to which he succumbed to injuries.

It has been submitted by the learned counsel for the



petitioner that there is general and omnibus allegation against the petitioner. So far the specific allegation is concerned, it is attracted against co-accused Ajit Yadav and Ranjeet Yadav. It is next submitted that the petitioner has got no criminal antecedent and there is no allegation of tampering of the witness against him. It is further submitted that so far postmortem report is concerned, it appears that there are only three injuries caused to the deceased on his head. It is also submitted that the other named co-accused persons, namely, Dharmendra Yadav and Kapil Yadav have already been granted bail by co-ordinate bench of this Hon'ble Court in Criminal Misc. No. 24153 of 2021 vide order dated 09.07.2021 and 30.11.2021 respectively. The copy of which has been produced before this Court and the same is kept on record.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account this fact that there is general and omnibus allegation against this petitioner and moreover, the other co-accused persons having similar allegation have already been granted bail by co-ordinate bench of this Hon'ble Court and the petitioner having clean antecedent



and is in custody since 05.08.2021, let this petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Nawada in connection with Pakribarawan P. S. Case No. 171 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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