

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58589 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- ROH District- Nawada

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MUKESH YADAV @ MUKESH KUMAR S/O BHOLA YADAV R/o
village- Mahakar, P.S.- Roh, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.
For the Opposite Party/s : Mr. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2022 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 the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Roh P.S. Case No. 120 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 and 302 of the Indian Penal Code.

The petitioner along with others are said to have assaulted the informant and his father by lathi, danda and garasa as a result of which father of the informant sustained injuries and died during course of treatment.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R. but during course of investigation, name of this petitioner has surfaced in this case. He further submits that the specific allegation of assault is attributed to the co-accused, Satish Yadav who according to the F.I.R. inflicted garasa blow on the father of the informant and no specific allegation of assault is attributed to the petitioner. He also submits that the petitioner has also filed a case against the informant and his family members and on account of same he has been dragged in this case. Moreover, the co-accused, namely, Ranjan Yadav, who is named in the F.I.R. has already been granted bail by a co-ordinate Bench of this Court vide order dated 14.06.2021 passed in Cr. Misc. No. 10803 of 2021. The petitioner is rotting in judicial custody since 03.07.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 J.M.-1st Class, Nawada in connection with Roh P.S. Case No. 120 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 canceled 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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