

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59122 of 2021

Arising Out of PS. Case No.-466 Year-2019 Thana- SAUR BAZAR District- Saharsa

Bijendra Yadav @ Bijendar Yadav S/o Kamo Yadav @ Kameshwar Yadav R/o
village- Arraha, Ward No. 07, P.S.- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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 connection with Sour Bazar
P.S. Case No. 466 of 2019 registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 307, 384, 379, 504, 506
and 302 of the Indian Penal Code.

According to prosecution case, one Niraj Kumar
submitted his written application before the S.H.O. of Sour
Bazar police station stating therein that his neighbors having
various weapons including rifle, three-nut and pistol in their



respective hands came to his land which was purchased by his ancestors and started constructing. It is alleged that when informant made protest, then Suresh Yadav and Raja Ram Yadav ordered to kill him, upon which Rahul Kumar fired from his rifle with an intention to kill him, which was passed besides his temple. In the meantime his father Dinesh Yadav reached there but Mithlesh Yadav and Bijendra Yadav (petitioner) assaulted his father by means of Farsa on his head as a result of which his father fell down on ground and when his cousin grandfather namely Pawan Yadav went to rescue him, Arun Yadav, Kishore Yadav assaulted on his head by means of rod, as a result of which Pawan Yadav fell down on the ground and blood started oozing from his head. It is further alleged that the accused persons made indiscriminating firing and also looted away cash amounting of Rs.50,000/-, jewelers etc. worth of Rs. One lakh.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that there is admitted land dispute between the parties for which a title Suit No. 41 of 2016 is pending and there is a case and counter case. He further submits that as per F.I.R. there is general and omnibus allegation against all the accused persons.



It appears that petitioner carries specific allegation of assault on the head of the deceased with Farsa but the doctor has found injury hard and blunt. He further submits that similarly situated co-accused namely Mithilesh Yadav against whom the allegation of assault has been granted bail by a co-ordinate Bench of this court vide order dated 01.06.2021 passed in Cr. Misc. No. 39198 of 2020. He further submits that the police after investigation has been submitted the charge sheet against the petitioner. The petitioner is in custody since 03.07.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries one criminal antecedent.

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 Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 466 of 2019, 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)

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