

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59735 of 2021

Arising Out of PS. Case No.-128 Year-2016 Thana- PANDARAK District- Patna

=====

Dular Yadav @ Ram Dular Prasad, Son of Late Sitaram Rai @ Sitaram Yadav,
Resident of Village- Gopkita, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail, who is in custody in

connection with Pandarak P.S. Case No. 128 of 2016 for the

offences punishable under Sections 302/34 of the Indian Penal

Code.

As per prosecution case, it is alleged that on

06.10.2016, the petitioner along with other five named accused

persons and ten unknown persons have brutally assaulted the

son of the informant resulting into his death by making false

allegation of committing theft of Rs.8200/- from the pocket of

accused Dular Yadav (petitioner).



It is submitted by learned counsel for the petitioner that there is general and omnibus allegation against all the F.I.R. named accused and no specific allegation of assault has been attributed against this petitioner. It is next submitted that other named co-accused persons have been granted bail by the different coordinate Benches of this Court, copies of which have been annexed as Annexure-4 Series. It is further submitted that the petitioner is in custody since 21.01.2021 and he has got no criminal antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that in fact the entire occurrence has taken place in the house of this petitioner and it is the petitioner, at whose instance, the occurrence has taken place.

Having considered the submissions of the parties and taking into consideration the fact that there is general and omnibus allegation of assault against six F.I.R. named accused persons including this petitioner and ten other unknown persons, apart from the fact that other named accused persons have already been granted bail by the different coordinate Benches of this Court and the petitioner is in custody since 21.01.2021, let the petitioner, named above, 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 Additional Chief Judicial Magistrate, Barh, Patna in connection with Pandarak P.S. Case No. 128 of 2016 subject to the condition that one of the bailors will be the close relatives 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)

uday/-

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

