

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62562 of 2021**

Arising Out of PS. Case No.-92 Year-2019 Thana- MAGADH UNIVERSITY District- Gaya

BASANT YADAV @ BASANT KUMAR SON OF MUNGESHWAR
YADAV Resident of Village - Bara, P.S.- Magadh University, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-03-2022 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.

The petitioner seeks bail in a case registered for the offence under Sections 147, 148, 149, 323, 325, 326 and 307 of the Indian Penal Code.

The prosecution case, in short, is that nine accused persons including the petitioner and five unknown miscreants are said to have assaulted the informant and his family members by means of sword and khanti and the petitioner is said to have assaulted on his leg by sword.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in connection with the present case. It is further submitted that there is case and counter case between the parties. It is further submitted that it appears from the First Information Report that the allegation against the petitioner to assault by sword on the leg of the informant but the doctor who examined the informant has not found any injury of sharp cutting weapons upon the leg of the informant. It is further submitted that similarly situated co-accused persons, namely, Laldeo Yadav and Kamlesh Yadav has been granted by order dated 16.12.2019 passed in Cr. Misc. No. 83088 of 2019 by a co-ordinate Bench of this Court. It is further submitted that the petitioner has no criminal antecedent and he is in custody since 11.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, 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 Court below where the case is pending in connection with Magadh University P.S. Case No. 92 of 2019 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 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.

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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