

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.53073 of 2022**

Arising Out of PS. Case No.-254 Year-2022 Thana- SAHARSA SADAR District- Saharsa

ASHOK YADAV Son of Late Sokhi Yadav R/V- Sukhasan, Ward No. 9, P.S-
Saharsa Sadar, Dist- Saharsa, Pincode- 852124

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by the Stamp Reporter by

16.01.2023.

Heard learned counsel for the petitioner and Mr.
Pranav Kumar, learned APP for the State.

The petitioner in this case is seeking regular bail in

connection with Saharasa Sadar P.S. Case No. 254 of 2022

registered for the offence punishable under Sections 147, 148,

149, 341, 323, 324, 307, 379, 302, 504 of the Indian Penal Code

and 27 of the Arms Act. He has no criminal antecedent and is in

custody since 04.06.2022.

Learned counsel for the petitioner submits that as per

the prosecution story, the accused had assaulted informant's

father by giving farsa blow over his head due to which his father



became unconscious. The father of the informant was brought to the Sadar Hospital, Saharsa from where he was referred to Surya Clinic for better treatment. But unfortunately, during the treatment of the father of the informant died.

Having regard to the facts and circumstances of the case, wherein it is the un-controverted submission of the learned counsel for the petitioner that there is no specific allegation of causing assault by this petitioner, at best he may said to be a member of the unlawful assembly and the petitioner has remained in custody in connection with this case since 02.04.2022, investigation against him is complete and the co-accused Vikas Kumar who is similarly situated with the petitioner has been granted bail by the learned Co-ordinate Bench by this Court in Cr. Misc. No. 37246 of 2022, there being no submission on behalf of the State that his release at this stage, is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharasa in connection with Saharasa Sadar P.S. Case No. 254 of 2022, subject to the



condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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