

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55022 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- RUPAULI District- Purnia

Nawal Yadav @ Nakul Yadav Kailash Yadav Resident of Village- Jungle tola
P.S.- Rupouli, Mohanpur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate.
For the Informant	:	Mr. Deepak Kumar, Advocate.
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioner, Mr. Deepak Kumar, learned counsel for the informant and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Rupouli (Mohanpur O.P) P.S. Case No. 122 of 2022, for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 384, 385, 379, 307, 504, 506 and 325 of the Indian Penal Code.

The prosecution case is based on a written report filed



by the informant alleging therein that on 18.05.2022, while the informant along with his son was in his field, in the meantime all the accused persons named in the FIR including the petitioner came there and started demanding ransom of Rs.10,00,000/-. The accused persons also abused and assaulted the informant, his son and other persons, however, the son of the informant managed to flee away.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the FIR, it is evident that no specific allegation has been leveled against the petitioner rather general and omnibus allegation has been leveled against all the eight accused persons. He further submits that only because of the one past criminal antecedent, name of the petitioner has been implicated in this case, moreover, the petitioner is in custody since 31.05.2022 and the investigating of the crime is already complete. He lastly submits that Investigating Officer has not even mentioned about the injury report of the informant and his son, which also suggest that during the course of investigation none of them has received any injury.

On the other hand Mr. Deepak Kumar, learned counsel for the informant vehemently opposed the bail application and submits that the petitioner and others are in the



habit of demanding ransom to the farmers and the petitioner is also carrying a criminal antecedent as has been mentioned in the paragraph 3 of the petition.

Learned counsel for the State has also opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that during the course of investigation no injury report has been brought on record, apart from the fact that the FIR lacks any specific allegation against the petitioner and he is in custody since 31.05.2022, 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 Chief Judicial Magistrate, Purnea, in connection with Rupouli (Mohanpur O.P.) P.S. Case No. 122 of 2022, 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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