

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66284 of 2021

Arising Out of PS. Case No.-75 Year-2020 Thana- GHOGHARDIHA District- Madhubani

Jimedar Yadav @ Jamidar Yadav, son of Yugeswar Yadav, resident of Village-
Banarjhula, P.S. - Ghogharduha, Dist- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Kumari Shubham, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Ghoghardiha P.S. Case No. 75 of 2020
registered for the offences punishable under Sections 341, 323,
307, 504 and 34 of the Indian Penal Code and Section 27 of the
Arms Act. He is in custody since 28.06.2021 having no criminal
antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the first occurrence took
place near the house of this petitioner where it is alleged that the
son of the petitioner had started asking about the result of
matriculation of grand-son of the informant in abusive words



and then it is alleged that on protest the petitioner, his son and one Lal Babu Yadav assaulted the grand-son of the informant. The second incident took place when it is alleged that the co-accused Manu Kumar Yadav, Birendra Yadav, Jimedar Yadav (this petitioner), Lal Babu Yadav, Baiju Thakur and Rajnath Thakur came with arms at the house of the informant and started abusing him. At this stage, it is alleged that the co-accused namely, Manu Kumar Yadav and Birendra Yadav fired, on account of which Gurudeo Mandal, Manoj Mandal, Yogendra Kumar Mandal and Indrajeet Kumar Mandal sustained injuries and informant and other persons were also injured by blow of lathi.

Learned counsel for the petitioner submits that so far as the allegation of assault to the grand-son of the informant is concerned, the same has not been substantiated in course of investigation and no injury report of the said grand-son has been either mentioned anywhere or has been brought on the record. It is then submitted that in the second part of the F.I.R. the allegation of commission of overt act is against co-accused Manu Kumar Yadav and Birendra Yadav. No role has been assigned to this petitioner. It is then pointed out that the learned court below has noticed the injury report of one Manoj Mandal



in the impugned order but those injuries are not attributed to this petitioner.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that this petitioner seems to have participated in the alleged occurrence.

Having regard to the submissions noted hereinabove and the materials on the record from which it is noted that in the first part of the F.I.R. the allegation of assault against the grand-son of the informant is not substantiated from any injury report and in the second part of the F.I.R. there is no specific allegation of commission of any overt act against the petitioner, the petitioner has already remained in jail for about eleven (11) months, investigation against him is complete but the trial is not likely to be concluded in near future and his presence may also be secured in course of trial, thus, this Court directs release of the petitioner above named 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 A.C.J.M.-I, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 75 of 2020 corresponding to G.R. No. 816 of 2020, 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 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

