

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66394 of 2021**

Arising Out of PS. Case No.-148 Year-2021 Thana- WARISLIGANJ District- Nawada

BIRENDRA YADAV, Son of Arjun Yadav, Resident of Village- Mosma,
Police Station- Warisaliganj, District- Nawada.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Sheo Kumar Prasad, Advocate

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

3 17-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Warisaliganj P.S. Case No. 148 of 2021 registered for the offences punishable under Sections 341, 323, 325, 379, 337, 338, 307, 504, 506, 34 of the Indian Penal Code. He is in custody since 24.04.2021. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that with regard to the same occurrence two F.I.Rs. have been lodged. The first F.I.R. has been lodged by the father of the deceased on 19.04.2021 at 8.15



A.M. In his written complaint to the Officer-in-Charge of Warsaliganj Police Station he has alleged that on 18.04.2021 at about 9.30 P.M. when his elder son Sanjay Yadav was sleeping in his house, all of a sudden, the four named accused persons attacked him and his family members. This petitioner is one of the named accused. It is then alleged that in the said assault the accused persons were assaulting his son by lathi, danda and when he and his wife went there to save his son then they were also assaulted. His son was taken to Warsaliganj hospital from where he has been referred to Nawada.

Learned counsel submits that the another F.I.R. has been lodged on the basis of the statement of the brother of the deceased which was recorded by Town P.S. Sub Inspector on 19.04.2021 at 8.45 P.M. In his statement, the brother of the deceased has given a different place of occurrence and manner of occurrence. He has implicated nine named accused persons who had allegedly surrounded his brother Sanjay Yadav when he was returning in evening after easing out in open field and it is alleged that all of them pressed his mouth and he was put down on the earth and they came upon his body as a result whereof he became injured and was brought to Warsaliganj Police Station from where he was referred to Nawada and then to P.M.C.H. but on way to P.M.C.H., his brother died.

Learned counsel submits that the petitioner has though been named but no specific overt act has been alleged against him. The allegation is general and omnibus and the post-mortem report



shows swelling in the right frontal region and bruises.

Learned counsel for the informant and learned A.P.P. for the State have though opposed the prayer for bail of the petitioner but in course of their submissions, learned counsel for the informant does not dispute that there are two versions of the story and the place of occurrence as well as the manner of occurrence have been differently stated in the two F.I.Rs.

Having regard to the materials noted hereinabove and on finding that the allegations are inconsistent and there is no allegation of commission of overt act against the petitioner, all are general and omnibus and at least two accused Kaushlendra Yadav @ Kaushlendra Kumar has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 59890 of 2021 and one of the accused Arjun Yadav has been granted bail from the learned court below, 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 A.C.J.M-II, Nawada, in connection with Warisaliganj P.S. Case No. 148 of 2021, 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.

(Rajeev Ranjan Prasad, J)

vats/-

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

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'.

