

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3049 of 2023

Arising Out of PS. Case No.-196 Year-2021 Thana- KEWATI District- Darbhanga

RAUSHAN KUMAR YADAV SON OF YADU NANDAN YADAV @
BHULLA R/O VILLAGE- PATHARA, P.S.- KEOTI, DISTRICT-
DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 07-04-2023 Heard learned counsel for the petitioner as well as learned
APP for the State.

In this case, the petitioner is seeking regular bail in connection with Keoti P.S. Case No. 196 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506, 354(B), 379, 448 of the Indian Penal Code.

As per allegation, 10 named accused persons, including the petitioner, came to the house of the informant, equipped with knife etc. and started abusing him. They were inflicting allegation that it was the informant, due to whom, they have lost the election of *Mukhiya*. Thereafter, co-accused Punit Kumar Yadav ordered other accused persons to commit loot in the house of the informant. Punit Kumar Yadav, with intention to kill assaulted the informant with sword on his head. Co-accused Lal Babu Yadav also assaulted him.



The specific allegation against the petitioner is that he inflicted spear blow on the head of the informant.

The learned counsel for the petitioner has submitted that he is innocent and has falsely been implicated in this case. The case has been lodged after four days of the occurrence. The occurrence has taken place on 19.11.2021, whereas FIR was lodged on 23.11.2021, whereas co-accused Punit Kumar Yadav has lodged a case for same day occurrence. The members of prosecution side badly assaulted the members of defense side.

On the other hand, learned counsel for the informant as well as the learned APP have submitted that there is specific allegation on the petitioner to inflict spear blow on the head of the informant and he sustained injuries. There is case and counter case. The case lodged by the defense side is under Section 302 of the Indian Penal Code. The petitioner is a person of clean antecedent and he is under custody since 18.10.2022.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Darbhanga in connection with Keoti P.S. Case No. 196 of 2021, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every



date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(ii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(iii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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