

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5406 of 2023**

Arising Out of PS. Case No.-128 Year-2022 Thana- MANPUR District- Nalanda

SUBODH YADAV SON OF SURESH YADAV R/O BHAORAWARTAR  
(BHAORA BARTAR), P.S.- MANPUR, DISTRICT- NALANDA (BIHAR  
SHARIF)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Tej Kumar Maharaj, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      11-07-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Manpur  
P.S. Case No. 128 of 2022/ G.R. No. 2485 of 2022 dated  
01.06.2022 registered for the offence under Sections 147, 148,  
149, 115 and 302 of the Indian Penal Code.

The petitioner along with others are alleged to have  
assaulted the son of the informant by means of iron rod due to  
which he sustained injury and succumbed to the injury.

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, is innocent and  
has falsely been implicated in this case. He further submits that it  
appears from the F.I.R. that the F.I.R. is in two parts, in the first  
part, there is specific allegation of making assault to the son of



the informant against the co-accused, Bhikhari Yadav who allegedly assaulted the deceased by means of iron rod causing him deadly injury and in the second part, there is general and omnibus allegation attributed to the petitioner and others that they have assaulted the deceased. He further submits that the postmortem report of the deceased suggest that the son of the informant died due head injury. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault of any overt act is attributed to the petitioner. He further submits that there is no eye witness to the alleged occurrence and the informant also is not the eye witness to the occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Nalanda (Bihar sharif) in connection with Manpur P.S. Case No. 128 of 2022/ G.R. No. 2485 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

**(Rajesh Kumar Verma, J)**

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