

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8929 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- BHEJA District- Madhubani

BABOO SAHEB @ BABOO SAHEB YADAV Son of Late Dahaur Yadav
Resident of Village- Khajuri, P.S.- Bheja, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 11.10.2022 in connection with Bheja P.S. Case No. 73 of 2022,corresponding to G.R.No.1417 of 2022, F.I.R. dated 19.08.2022 registered for the offence punishable under Section 147, 148, 149, 341, 323, 324, 325, 307, 379, 354(A), 504 of the IPC.

The prosecution case, in short, is that the informant , Lila Devi, has alleged that on 16.08.2022 this petitioner and other co-accused persons were closing the Government road and when informant protested them they and other co-accused persons used abuses against the informant and badly assaulted her and made her naked. Informant has further alleged that when husband and son of the informant were moving the



informant to Madhepur Hospital then again accused persons surrounded them and assaulted them by various means like iron rod, lathi and due to that husband of the informant sustained head injury and fractured injury in the right hand and son of the informant also sustained injury and also snatched Rs.5000/- from them.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that there is admitted land dispute between the parties and there is case and counter case between them and it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of any assault or overt-act attributed against the petitioner. Further submits that the similarly situated co-accused, namely, Gouri Devi has been granted bail by the learned court below itself and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.10.2022.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as



mentioned in para-3 of the bail petition.

Considering the aforesaid facts, let the petitioner, above named, 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.-II, Jhanjharpur, Madhubani in connection with Bheja P.S. Case No. 73 of 2022, corresponding to G.R.No.1417 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 cancelled 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.

(3) 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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