

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20142 of 2023**

Arising Out of PS. Case No.-120 Year-2022 Thana- KASMA District- Aurangabad

ANAND YADAV Son of Ramdhani Yadav Resident of Bakshi Bigha, P.S.-
Kasma, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP

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

3 06-07-2023 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner assisted by Mr. Bhaskar Shankar,
Advocate and learned Additional Public Prosecutor for the
State.

Petitioner seeks bail, who is in custody since
03.02.2023 in connection with Kasma P.S. Case No. 120 of
2022, F.I.R. dated 10.09.2022 for the offences punishable under
Sections 302, 307, 341, 323, 504, 337, 34 of the Indian Penal
Code.

According to prosecution case, as per F.I.R. petitioner
alongwith three other named accused persons abused and
assaulted the uncle of informant namely Lala Yadav and when
informant and his mother intervened then they were also
assaulted. In the meantime petitioner assaulted with brick on



head of Lala Yadav due to which he fell down on earth and died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that bare perusal of the F.I.R. it appears that F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation against the petitioner that he has assaulted to the victim with bricks on the head on the person of the deceased. He further submits that the postmortem report does not support the prosecution version as there is only one injury was found on the person of the deceased and no independent witnesses have supported the case of prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 03.02.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate,
Aurangabad in connection with Kasma P.S. Case No. 120 of
2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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