

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21528 of 2023

Arising Out of PS. Case No.-512 Year-2020 Thana- MADHEPURA District- Madhepura

WAKIL YADAV SON OF SURENDRA YADAV RESIDENT OF VILLAGE-
BHADAUL, WARD NO 5, PS AND DISTT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP
For the informant	:	Mr. Surya Narain Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Madhepura (Bharrahi O.P.) P.S. Case No. 512 of 2020 registered
for the offence under Sections 147, 148, 149, 341, 323, 324, 307,
302, 504 and 506 of the Indian Penal Code.

Prosecution story relates to abuse and assault to the
informant and his family members by the petitioner and other
co-accused persons as a result of which several persons were
injured. It is alleged that accused persons have killed the
informant's uncle by pressing his neck.

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



the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the petitioner has twisted the neck of the informant and other accused persons assaulted the informant. He further submits that the police after investigation has submitted charge-sheet against the co-accused, Chandeshwari Yadav and three others under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code and final form has been submitted by the police in favour of the petitioner and eleven others accused persons as because the prosecution case was not found true by the police against them. However, learned Magistrate deferring with the police report taken cognizance against the petitioner on 13.11.2020. The petitioner is rotting in judicial custody since 07.02.2023.

Learned counsel for the informant as well as learned A.P.P. for the State on the basis of material available on record and the case diary opposed the prayer for bail of the petitioner and submitted that the petitioner has played active role in the alleged occurrence and the learned magistrate has rightly taken cognizance of the occurrence on the basis of material available on record.

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 Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 512 of 2020 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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