

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22900 of 2023

Arising Out of PS. Case No.-112 Year-2022 Thana- AGIAON District- Bhojpur

VIKASH YADAV son of Bhushan Yadav VILLAGE- PIPRA P.S AGIAON G
DISTRICT BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 01.10.2022 in connection with Agiaon(G) P.S. Case No. 112 of 2022 (G.R. No.5524/2022), F.I.R. dated 01.10.2022 for the offences punishable under Sections 448, 341, 323, 325, 307 and 302 of the Indian Penal Code.

3. According to prosecution case, the informant Somaro Devi has made fardbeya on 27.08.2022 at about 16:15 before ASI S.K. Singh at Camp Sadar Hospital Ara stating therein that on 26.08.2022 at about 10:30 O'clock in the night she was sleeping in her house then she heard sound and she went to see her room thereafter she saw that one person is coming down from the roof of her house, she shouted thief-



thief. Hearing he came nearby me and she recognized him Vikash Yadav. In the meanwhile her husband Jalim Sao had also come and he assaulted him with Danda and thereafter both started assaulting him and Vikash Yadav also started beating her as a result of which she had sustained blow at her hip and waist and after opening the door of Gate he fled away.

4. 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the date of occurrence as alleged in the F.I.R. is 27.08.2022 but the present F.I.R. has been instituted on 01.10.2022 after death of the deceased. He further submits that it appears from the F.I.R. itself that the informant is also beaten to the petitioner and during the present occurrence the leg of the deceased was fracture and after some treatment she has died and the informant is a family member has not filed any case prior to the death of the deceased and after the death of the deceased the present false and fabricated case has been filed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the



petitioner is in judicial custody since 01.10.2022.

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

6. Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate-I, Bhojpur at Ara in connection with Agiaon(G) P.S. Case No. 112 of 2022 (G.R. No.5524/2022), 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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