

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26808 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- SAUR BAZAR District- Saharsa

VISHUNDEO YADAV S/O LATE SHATRUGHAN YADAV Resident of
Village- Ward no.- 03, P.S.- Sour Bazar (patarghat o.p.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
12.10.2022 in connection with Sour Bazar (Patarghat O.P.) P.S.
Case No.445/2022, dated 29.08.2022, for the offences
punishable under Sections 147, 148, 149, 341, 323, 307, 302,
447, 504, 506 of the IPC.

3. According to prosecution case, the petitioner along
with other co-accused persons are alleged to have attacked on
the informant and his father due to which the father of the
informant has died.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from bare



perusal of the F.I.R., it appears that there is no specific allegation against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that there is case and counter case between the parties and the allegation against co-accused namely Binod Yadav @ Binod Kumar that he has assaulted the informant and his father has been granted bail by a co-ordinate Bench of this Court vide order dated 10.05.2023 passed in Cr. Misc. No. 16207/2023 and other co-accused, namely, Khushlal Yadav, who is order giver as per F.I.R. has also been granted bail vide order dated 17.05.2023 passed in Cr. Misc. No. 22861/2023 and there is no accusation of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.10.2022.

5. Learned Additional Public Prosecutor for the State on the other hand 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 Sri S.P.Singh, J.M.1st



Class, Saharsa in connection with Sour Bazar (Patarghat O.P.)

P.S. Case No.445/2022, 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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