

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29489 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- RAJGIR District- Nalanda

ALAKHDEO YADAV s/o Late Kali Yadav VILLAGE CHAMARDIHA P.S.
RAJGIR DISTRICT NALANDA (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Rajgir
P.S. Case No. 252 of 2022 registered for the offences punishable
under Sections 147/ 148/ 149/ 323/ 325/ 337/ 338/ 341/ 342/
504/ 506/ 302/ 307 of the Indian Penal Code read with Sections
27 of the Arms Act, 1959.

As per prosecution case, the allegation against the
petitioner along with others is of assaulting the informant and
his brother namely, Bablu Kumar. It is further alleged that due to
brutally assault the brother of the informant succumbed to death.

Learned counsel for the petitioner submits that
petitioner is in custody since 08.05.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that there is no specific overt-act attributed against the petitioner rather the specific overt-act of assaulting the informant and his brother is against co-accused Dhiraj Yadav, Vikky Yadav and Indradeo Yadav. He further submits that petitioner is only order giver. He further submits that co-accused Munarik Yadav has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 23379 of 2023 and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record and co-accused has already been granted bail by the co-ordinate bench of this Court and on the principle of parity, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Nalanda at Bihar Sharif in connection with Rajgir
P.S. Case No. 252 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

