

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30104 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- SAHPUR District- Bhojpur

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MOHAN YADAV @ LAXMAN YADAV Son of Ram Nath Yadav Resident
of village-Karnamepur, Police station-Sahpur, District-Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Pandey, Adv. Mr. Manish Kumar Tiwary, Adv. Mr. Ramanuj Tiwary, Adv.
For the Opposite Party/s :		Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sahpur P.S.
Case No. 321 of 2022 registered for the offence under Sections
341, 323, 307, 379, 302/34 of the Indian Penal Code.

The petitioner along with others are alleged to have
assaulted the family members of the informant and when one
Birendra Yadav came to rescue them, he has also been assaulted
by the accused persons by means of lathi and iron rod due to
which he died during course of treatment.

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
on bare perusal of the F.I.R., it appears that there is no specific



allegation of assault or any overt act attributed to the petitioner rather there is general and omnibus allegation against the accused persons including the petitioner. Moreover, co-accused, Pawan Kumar Yadav @ Rama Shankar Yadav and Ram Nath Yadav having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.04.2023 and 21.06.2023 passed in Cr. Misc. No. 11010 of 2023 and Cr. Misc. No. 31604 of 2023, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 23.09.2022.

Learned counsel for the informant and learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has actively participated in the alleged occurrence and there is sufficient material available on record against him.

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, Bhojpur at Ara in connection with Shahpur P.S. Case No. 321 of 2022 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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