

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31365 of 2023

Arising Out of PS. Case No.-150 Year-2022 Thana- HASANPUR District- Samastipur

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AMIT KUMAR @ AMIT KUMAR YADAV Son of Nand Kishor Yadav @
Nanki Yadav Resident of village - Paridah, ward no. 08, Pardh, P.S. -
Hasanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with S.T.
No. 569 of 2022 arising out of Hasanpur P.S. Case No. 150 of
2022 registered for the offences under sections 147, 148, 149,
337, 338 and 302 of the Indian Penal Code lodged on
28.05.2022 by the informant, Kunti Devi.

As per the prosecution story, the allegation is that the
informants co-villagers/accused persons came and told her
brother-in-law to return a sum of Rs. 3,00,000/- given to him on
the ground of compromise. As his brother-in-law was ill and
could not return the amount, he was assaulted by all the accused
persons which led to his death. The informant in a viral video



saw the accused persons and accordingly name them in the FIR.

Learned Counsel for the petitioner submits that so far as the this petitioner is concerned only omnibus allegation is there against him of being part of the mob and has already suffered by being in custody since 23.09.2022 (as stated in paragraph-11 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that his name has also come in the list of accused who assaulted the brother-in-law of the informant.

Considering the facts that omnibus allegation is against the petitioner, no role has been attributed to him, he do not have criminal antecedent and is in custody since 23.09.2022, this court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned A.D.J. Ist, Rosera at Samastipur in connection with S.T. No. 569 of 2022 arising out of Hasanpur P.S. Case No. 150 of 2022, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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