

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34255 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- BANMANKHI District- Purnia

DILIP YADAV Son of Late Shiwan Yadav Resident of Village- Pipra, Ward
No. 03, PS- Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sandesh Roy

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Banmankhi P.S. Case No. 12 of 2023 registered for the offences
punishable under Sections 147, 148, 149, 323 and 302 of Indian
Penal Code.

As per prosecution case, petitioner and others are
alleged to have assaulted the informant's mother-in-law
concertedly due to which she sustained injury on her head and
died on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 03.02.2023. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in
the case and there is no likelihood of tampering with the



prosecution evidence. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. There is no specific allegation against the petitioner. Allegation against the petitioner is general and omnibus in nature. Petitioner is falsely implicated in the present case due to previous land dispute.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, 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 C.J.M., Purnea in connection with Banmankhi P.S. Case No. 12 of 2023, 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)

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