

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40155 of 2023

Arising Out of PS. Case No.-72 Year-2020 Thana- ROH District- Nawada

Indra Yadav @ Indraveer Yadav @ Indraveer @ Indu Yadav Son of Late
Rambalak Yadav Resident Of Village -SAMARAITHA, Ps- Roh, Dist
-NAWADA Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 14.03.2023 in connection with Roh P.S. Case No. 72 of 2020 for the offence punishable under Sections 341, 323, 504, 307, 302, 34 of the I.P.C. lodged on 24.05.2020 by the informant, Anuplal Yadav.

The prosecution story, in brief, is that one Anuplal Yadav gave the fardbeyan before the concerned Police Officer alleging interalia that the family member, of the informant namely Ashiuk Yadav, Bugali Devi, Shobha Devi, Minta Devi and Rambrikh Yadav were talking when their neighbour came and informed that to protect the family they are taking Rs. 2000/- from each of them. As the informant's father denied payment, Dinesh Yadav and Sakindra Yadav started abusing and assaulted. As, the family members, of the informant went there to save Rambriksh Yadav. In meantime Indu Yadav, Sudhir Yadav, Vikash Kumar, Suresh Yadav, Birendra Yadav, Shambhu



Yadav, Mahulal Yadav, Jitendra Yadav, came there armed variously and assaulted all the family members. Rambriksh Yadav became unconscious. On alarm as the co- villager came, all the accused person fled away. The Rambriksh Yadav died in the course of the treatment. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that there is omnibus allegation against all the accused persons, has already suffered by being in custody since 14.03.2023 (as stated in the para 7 of the bail application) and the last submission is that co-accused Sakindra Yadav has since been released on bail vide Cr. Misc. No. 51311 of 2022.

Learned APP opposes the prayer stating that allegation of assault is against the petitioner amongst other.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that the similar placed co-accused has since been released on bail, this Court is inclined to extend him the privilege of bail with conditions.

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 learned Chief Judicial Magistrate, Nawada, in connection with Roh P.S. Case No. 72 of 2020 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/jyoti/-

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