

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40775 of 2023

Arising Out of PS. Case No.-125 Year-2021 Thana- KAJRA District- Lakhisarai

Suraj Yadav son of Late Indradev Yadav Village- Urain Ps- Kajra Dist-
lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Raj, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 21.03.2022 in connection with Kajra P.S. Case No. 125 of 2021, F.I.R. dated 22.12.2021 for the offences punishable under Sections 341, 323, 324, 307, 448, 504 and 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. According to prosecution case, due to land dispute this petitioner along with other accused persons armed with iron rod, lathi etc. assaulted the informant and her husband due to which her husband sustained severe injuries and he died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that due to the previous admitted land disputes, the present occurrence has taken place and as per the F.I.R, the petitioner has assaulted with iron rod to the husband of the informant due to which he sustained severe injuries and during the course of treatment he died. He further submits that there is no intention to kill the husband of the informant and there was no repetition of assault attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.03.2022.

5. The learned Additional Public Prosecutor on the basis of the material on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted the husband of the informant by means iron rod and the postmortem report also supports the allegation as alleged in the F.I.R.

6. Vide order dated 16.08.2023, a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 13.09.2023 reveals that the charge has already been framed against the petitioner on 22.11.2022 but the prosecution had not examined any witnesses as yet.



7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 21.03.2023.

8. Considering the aforesaid facts and circumstances, report of the learned Trial Court as well as period of custody, let the petitioner, above named, 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 the learned Sub Divisional Judicial Magistrate, Lakhisarai in connection with Kajra P.S. Case No. 125 of 2021, subject to the following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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