

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45613 of 2023**

Arising Out of PS. Case No.-140 Year-2022 Thana- TANKUPPA District- Gaya

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Randhir Yadav @ Randhir Kumar S/O Suresh Yadav @ Suresh Prasad R/O
Village- Khabra, Ps. Tankuppa, Dist. Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 09-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
16.03.2023 in connection with Tankuppa P.S. Case No. 140 of
2022, F.I.R. dated 20.10.2022 for the offences punishable under
Sections 341, 323, 307, 504, 354, 506/34 of the Indian Penal
Code and Section 302 of I.P.C. added.

3. According to prosecution case, in brief, is that on
20.10.2022 at about 12:30 the informant stating therein that her
brother-in-law and other family members were at their house in
the meantime the accused/petitioner along with other co-
accused came and started abusing at the door of the informant
having armed with Khanti, Lathi and Iron rod for this Ramjatan
Yadav made protest then accused Arvind Yadav assaulted him



with Lathi which caused injury at his head and blood started oozing meanwhile accused Mukesh assaulted him with iron rod at his forehead thereafter accused Sarju Yadav and Randhir Yadav also assaulted him with Khanti and Lathi with intention to kill, then the victim Ramjatan Yadav became senseless and fell down. It is further alleged that the daughter of Ramjatan Yadav also became injured in the course of intervening the assault and during course of treatment, brother-in-law of the informant namely, Ramjatan Yadav died.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that bare perusal of F.I.R. it appears that there is specific allegation of assault is attributed against co-accused namely, Arvind Yadav and thereafter, the petitioner and other-co-accused persons have also assaulted the brother-in-law of the informant. He further submits that due to admitted land disputed the present occurrence has taken place and there is case and counter case between the parties and for the same occurrence both sides have sustained injuries. He further submits that similarly situated, co-accused, namely, Arvind Yadav against whom the allegation of assault has been granted bail by a co-ordinate Bench of this Court vide order



dated 21.06.2023 passed in Cr. Misc. No. 15071 of 2023 and another co-accused namely, Sarju Yadav has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 20.06.2023 passed in Cr. Misc. No.14885 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 16.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, 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 Miss Ankita Neha, the learned Judicial Magistrate, 1st Class, Gaya in connection with Tankuppa P.S. Case No. 140 of 2022, subject to 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 absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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