

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51128 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- BAGHA District- West Champaran

Rajkumar Yadav S/O- Late Baldeo Yadav Native of Bankatwa Ward no-21,
Ps- Bagaha Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Bhushan Sinha, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP
For the Informant	:	Mr. Milind Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 16.04.2022 in connection with Bagaha P.S. Case No. 232 of 2022, F.I.R. dated 06.04.2022 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 326, 302, 307, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, due to previous enmity, all the accused persons including the petitioner have brutally assaulted the informant and his family members. It is further alleged that this petitioner assaulted on the head of one Kashi Yadav due to which he sustained severe injuries resulting



into his death.

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 previous enmity the present occurrence has taken place. He further submits that from perusal of the F.I.R it appears that the petitioner has assaulted on the backside of the head of the deceased without using any arms and in the restatement of the informant he alleged that the petitioner has assaulted the deceased by means of *lathi*. He further submits that even the restatement of the informant is to believe, the postmortem report of the deceased does not support the allegation as alleged in the F.I.R as well as the restatement of the informant and the postmortem report suggests that the deceased has received injury and the injury inflicted on the person of the deceased is due to sharp object. He further submits that no injury was found on the head of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons against whom there is allegation that they have also assaulted the deceased with sharp edged weapons, namely, Bhelu Yadav has been granted bail by this Court vide order



dated 07.04.2023 passed in Cr. Misc. No. 72361 of 2022. The petitioner is in custody since 16.04.2022.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner but fairly submits that the postmortem report does not support the allegation as alleged in the F.I.R as well as the restatement of the informant and several co-accused persons have been granted bail by different Co-ordinate Bench of this Hon'ble Court.

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 learned Additional Chief Judicial Magistrate , Bagaha in connection with Bagaha P.S. Case No. 232 of 2022, 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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