

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50564 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SAHARGHAT District- Madhubani

KISHAN YADAV @ KISHUN YADAV Son of Late Abadh Yadav Resident
of Village-Mukhiyapatti, Zila Tol, Police Station-Saharghat, District-
Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 06.03.2023 seeks
bail, in connection with Saharghat P.S. Case No.30/2023, dated
06.03.2023, for the offences punishable under Sections 147,
148, 149, 341, 323, 324, 326, 307, 302, 504, 506 of the Indian
Penal Code.

3. According to prosecution case, the petitioner is
alleged to have assaulted with lathi on the head of the brother of
the informant causing fractured injury on his head.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that there is



case and counter case between the parties. He further submits that from perusal of the F.I.R., it appears that the specific allegation of assault is against Ganesh Kumar Yadav, who inflicted knife blow upon the brother of the informant. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 06.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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 Sri Shushant Sagar, J.M.1st Class, Madhubani in connection with Saharghat P.S. Case No. 30/2023, 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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