

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52856 of 2023**

Arising Out of PS. Case No.-25 Year-2020 Thana- BENIPATTI District- Madhubani

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Rakesh Yadav @ Rakesh Kumar Yadav Son Of Dani Yadav @ Bhogendra
Yadav Resident Of Village - Salha, P.S. - Benipatti, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar , Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Benipatti P.S. Case No. 25 of 2020 dated 04.02.2020 registered for the offences punishable u/ss 341, 323, 307, 379 and 504 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have abused and assaulted the informant with fists when the informant was going to unload soil from his tractor. When the father of the informant came to rescue, the accused persons Dani Yadav and Rajesh Yadav also assaulted on his head with bamboo with intent to kill. The petitioner Rakesh Yadav



also snatched Rs. 2600 from the pocket of the informant.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is case and counter case between the parties. There is no specific allegation of assault against the petitioner. There is general and omnibus allegation against the petitioner. Similarly situated co-accused has already been granted bail by this court *vide* order dated 17.08.2023 passed in Cr. Misc. No. 51021 of 2023. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 29.04.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Benipatti P.S. Case No. 25 of 2020.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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