

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51732 of 2023

Arising Out of PS. Case No.-246 Year-2021 Thana- KUMAR KHAND District- Madhepura

BINOD YADAV S/O DHANESHWAR YADAV R/O VILLAGE- GURIYA,
WARD NO. 14, PS. KUMARKHAND, DIST. MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023

Heard the parties.

The petitioner is in custody in connection with Kumarkhand P.S. Case No. 246 of 2021 for the offence under sections 341, 323, 325, 307, 354, 506 and 302/34 of the Indian Penal Code lodged on 03.09.2021 by the informant, Radhe Yadav.

As per the prosecution story, the allegation is that the accused persons attacked the informant's side and further gave '*lathi*' blow which resulted into the broken hand of his brother Kailu Yadav. The allegation against the other accused persons is/are of assault, ultimately Kailu Yadav died. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that there is an admitted land dispute in which all the family members of the petitioner has been implicated. Further, there is no direct allegation against this petitioner.



The last submission is that some of the similar placed co-accused persons have since been enlarged on bail vide Cr. Misc. No. 17231 of 2022 (Dhaneshwar Yadav) and Cr. Misc. No. 36221 of 2022 (Sanoj Yadav).

Learned APP opposes the prayer for bail stating that all of them with a common intention assaulted the informant side resulted into killing of an unfortunate person.

Taking into account the submissions put forward by the learned counsel for the petitioner as also the fact that the similar placed co-accuseds have since been granted bail, as stated above, he do not have criminal antecedent, is in custody since 09.09.2022 (as stated in paragraph 12 of the petition) , this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-IV, Madhepura, in connection with Kumarkhand P.S. Case No. 246 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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