

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54573 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- SONO District- Jamui

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KHOSAL YADAV S/O SUKAR YADAV Resident of Village- Bhalsumia,
P.S.- Sono (Charka Pathar), District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2023 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 149, 341, 323, 448,
324, 325, 307, 379, 504 and 302 of the Indian Penal Code.

According to prosecution case, the allegation against
the petitioner is that he along with other co-accused person
assaulted on the head of Gono Yadav by means of spade, who
sustained injuries.

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 the
specific accusation is against co-accused, namely, Chandrika



Yadav, who assaulted Khuni Yadav and he died during course of treatment. He further submits that the allegation as alleged in the F.I.R. against the petitioner and one other co-accused namely, Kanhaiya Yadav is that they assaulted on the head of Gono Yadav by means of spade and he sustained injury but the injury report suggests that only one injury found on the head of Gono Yadav. He further submits that similarly situated, co-accused persons, namely, Nandlal Yadav and Guleshwar Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 07.02.2023 passed in Cr. Misc. No.53826/2022 & Cr. Misc. No. 54761/2022 respectively and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.05.2022.

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

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 Court below where the case is pending in connection with Sono (Charka Pathar) P.S. Case No. 138/2022, 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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