

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56771 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- BARHAT District- Jamui

Rajesh Kumar Son Of Nuneshwar Yadav R/O Village- Darha Paharitar, P.S-
Barhat, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Let the defect(s), if any, be removed within two weeks
from today.

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

3. The petitioner seeks regular bail in connection with
Barhat P.S. Case No. 50 of 2023 dated 07.03.2023, lodged under
Sections 147, 148, 149, 302 of the I.P.C.

4. As per the prosecution case, the F.I.R. has been
lodged against six named accused persons including the present
petitioner. It has been alleged that on 07.03.2023 at about 07:30
A.M. morning, the F.I.R. has been lodged that the nephew of
informant reached at the house of his uncle with a view to
marriage purpose and sitting before the house of co-villagers
and complaining that his mobile has missed anywhere and also

started abusing to someone. It is due to this reason, six named accused persons started assaulting the informant's nephew. All the six accused persons chased him and also assaulted in front of the informant's house. When informant's mother went there to save her grand-son, then accused Sanjay Yadav has assaulted by brick in her stomach, in result, the death caused to the informant's mother.

5. Learned counsel for the petitioner submits that there is a specific allegation against accused Sanjay Yadav that by virtue of the assault caused by him, the death of the informant's mother has been caused. About rest accused persons, it is general and omnibus allegation that they were present.

6. Learned counsel for the petitioner further submits that there is no act or overt act against the petitioner. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 10.05.2023. Counsel also submits that the similarly situated persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 08.08.2023 & 02.08.2023 passed in Cr. Misc. No. 43362 of 2023 & Cr. Misc. No. 46425 of 2023 respectively.

7. Learned counsel for the State opposes the prayer

for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Barhat P.S. Case No. 50 of 2023, 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 *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

9. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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