

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58015 of 2022

Arising Out of PS. Case No.-826 Year-2022 Thana- FORBESGANJ District- Araria

Shankar Yadav Son of Vinod Yadav Resident of Village- Belai Pothiya, Ward
No.- 01, P.S.- Forbesganj (Simraha), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 149, 341, 323, 302/34
of the Indian Penal Code.

The prosecution case, in short, is that cattle thief was
caught in Village Pothiya by the villagers while committing theft
of animal of one Sunil Yadav. The accused petitioner along with
other co-accused persons brutally assaulted the apprehended
thief by blow of lathi and when the accused persons have not
taken attention to call of informant to release the victim thief he
informed the concerned police station and then police came at
the spot and took away the thief for his treatment at Sadar
Hospital where the thief was declared dead.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt act against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner on 20.10.2022 and the petitioner is in custody since 06.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Forbesganj (Simraha) P.S. Case No. 826 of 2022, with 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



witness, 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 antecedents, 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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