

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59760 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- SURYAGARHA District- Lakhisarai

RAMAKANT YADAV @ HEMAKANT YADAV Son of Late Kisun Yadav
Resident of Village- Govindpur, P.S.- Suryagarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Suryagarha P.S. Case No. 202 of 2022 for the offence registered under Sections 342, 323, 307, 385, 379, 504, 506/34 of the Indian Penal Code.

The allegation is regarding the informant having been in the process of supervising the work of erecting pillar for the purposes of barricading the wood godown on 06.07.2022 at about 11:00 A.M., where the family members of the informant were also present, when the accused persons including the petitioner had arrived there,



whereupon they started filling the ditch dug for erecting the pillar. It is further alleged that the accused persons had then assaulted the informant and her family members.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 08.07.2022. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioner is concerned, he is aged about 70 years and there is no allegation of him having engaged in any sort of overt act. It is also submitted that the present case arises out of case and counter case, the case filed by the petitioner being first in time, inasmuch as the said case bears Suryagarha P.S. Case No. 201 of 2022, whereas the present case is Suryagarha P.S. Case No. 202 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the present case arises out of case and counter case, apart from the fact that the petitioner is aged about 70 years and no specific allegation of any sort of overt act has been levelled qua him, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned C.J.M., Lakhisarai in connection with Suryagarha P.S. Case No. 202 of 2022.

(Mohit Kumar Shah, J)

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