

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61642 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- PARBATTI District- Bhagalpur

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RUPESH YADAV S/o Sarbilal Yadav R/o Village- Jagatpur, P.S.- Parbatta,
Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 341,323,406,420,504,506 of IPC.

The prosecution case, in short, is that the informant
had given his tractor and trolley on monthly rent of Rs.
20,000/- to Sonu Yadav @ Babu Sahab and Bikki Yadav on
19.06.2021. At that time of agreement to give the tractor and
trolley on rent, mother Anju Devi and other family members of
the informant were also present. When the informant went to
ask for the rent of aforementioned tractor to the house of Sonu
Yadav @ Babu Sahab, Sonu Yadav @ Babu Sahab, Vikky
Yadav, Anand Kasyap and Rupesh Yadav had conjointly abused
and assaulted the informant. They shown fear of firearm to him



and threatened with dire consequences, if he lodges an FIR.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 27.08.2021 but the present FIR has been instituted on 09.12.2021 after delay of three months without giving any explanation of delay. Further submits that it appears from the FIR that there is no specific allegation against the petitioner and there is general and omnibus allegation against the petitioner and the similarly situated co-accused person, namely, Anand Kashup has been granted bail by the learned court below itself and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.08.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the aforesaid facts, 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 learned court below where the case is



pending in connection with Parbatta P.S.Case No.145 of 2021
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/her absence on two consecutive dates without sufficient reason, his/her 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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