

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61909 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- BACHHWARA District- Begusarai

Rajeev Yadav Son Of Vishnudev Yadav @ Bisho Yadav R/O Vill.- Narepur,
P.S.- Bachhwara, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bachhwara P.S. Case No. 77 of 2022, registered for the offences punishable under Sections 147, 148, 149, 302 and 379 of the Indian Penal Code.

The prosecution case as emerges from the FIR is that in the night of 05.04.2022 the informant's son Bittu Kumar Raja was coming to his house from Diyara and when he reached at Mallick Dhala, the petitioner along with his associates having arms in their hands, surrounded and assaulted him, due to which he sustained serious injuries and



later on, he died in course of treatment. It is also alleged that accused persons snatched the gold chain and Rs. 3000/-.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing specific is alleged against this petitioner. He also submits that other co-accused, namely, Dilip Mahato @ Dilip Kumar @ Hajara has already been enlarged on bail by a coordinate Bench of this Court vide order dated 03.02.2023 passed in Cr. Misc. No. 68184 of 2022.

He further submits that the petitioner has been languishing in jail since 20.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 77 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld.



court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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