

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64565 of 2022**

Arising Out of PS. Case No.-208 Year-2022 Thana- DHURAIYA District- Banka

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YOGENDRA YADAV S/O LATE JAGDISH YADAV Resident of Village-
Gangti, P.S.- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
28.05.2022 in connection with Dhoraiya P.S. Case No.208/2022,
F.I.R. dated 27.05.2022, for the offences punishable under
Sections 147, 148, 149, 448, 323, 324, 325, 307, 302, 379, 504
and 506 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other co-accused persons assaulted the husband and dewar
of the informant as well as other family members of the
informant, resulting in serious injury to the husband of the
informant who later succumbed to the injury.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He



further submits that as per F.I.R. the allegation against the petitioner and other co-accused persons that they have assaulted the husband of the informant. It appears from the F.I.R. that the co-accused persons have assaulted the husband of the informant and the petitioner has not assaulted the husband of the informant. He further submits that the allegation against the petitioner is that the petitioner and Ranjay Yadav have assaulted the mother-in-law of the informant. He further submits that there is case and counter case between the parties and there is admitted land dispute between the parties and due to admitted land dispute, the present occurrence has taken place. Similarly, co-accused, namely, Panchu Yadav, against whom, there is allegation of assaulting to the husband of the informant has been granted bail, by a co-ordinate Bench of this Court, vide order dated 17.04.2023 passed in Cr. Misc. No.65330/2022, another co-accused namely, Sukhdev Yadav has been granted bail vide order dated 05.04.2023 passed in Cr. Misc. No.70968/2022 and another co-accused namely Chhabinath Yadav has been granted bail vide order dated 21.04.2023 passed in Cr. Misc. No. 70450/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.05.2022.



Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of supplementary affidavit that the petitioner is on bail in that case.

Considering the aforesaid facts and circumstances, 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 the learned C.J.M., Banka in connection with Dhoraiya P.S. Case No. 208/2022, subject to 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 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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