

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67681 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- PHENHARA District- East Champaran

Jitendra Yadav Son of Mahendra Rai, R/o Vill.- Gaibandhi, P.S.- Phenhara,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.08.2022 in connection with Phenhara P.S. Case No. 69 of
2022, F.I.R. dated 17.05.2022 for the offences punishable under
Sections 147, 148, 149, 341, 323, 379, 307 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, in brief, is that on
16.05.2022 when the informant namely, Anuj Kumar went to
attend dinner on occasion of Lakhraon (Pooja) at the house of
Gorakh Rai, in the meantime all the F.I.R. named accused
persons including the petitioner they all were seated in the house
of Ram Pravesh Rai with weapons and assault to kill the
informant. Thereafter Jitendra Yadav (petitioner) abused him



and order to kill him whereby all its advocacy will end. On his orders, Gajendra Rai hitting on the head of informant by iron rod and started bleeding then he got badly injured and Ram Pravesh Rai and Ashok Rai was hitting them by rod and lathi whose injury is on the whole body. It is further alleged that on hearing the alarm my elder brother Alok Kumar came to save me, he was also assault by Pulindra Rai, Upendra Rai, and Surendra Rai due to which he has badly injured. Thereafter, the informant got unconsciousness, Sujay Rai ran away with gold chain and mobile of his elder brother, thereafter seeing his father and the villager to save my two brothers, Jitendra Rai opened fire with country made pistol and spread panic and all the accused ran away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the petitioner is order giver. He further submits that there is no allegation of any assault or overt-act against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that similarly situated, co-accused, namely, Ram Pravesh Rai and others with whom they also assaulted the informant have been granted bail by a co-ordinate



Bench of this Court vide order dated 04.02.2023 passed in Cr. Misc. No. 75216 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Chief Judicial Magistrate, East Champaran in connection with Phenhara P.S. Case No. 69 of 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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