

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67354 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- CHAUSA District- Madhepura

Mahendra Yadav S/o Late Chamaklal Yadav, Resident of Village- Duriya
Savitri, Ward No- 12, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chausa P.S. Case No. 170 of 2021, lodged under Sections 341,
323, 307, 302, 120(B) read with Section 34 of the Indian Penal
Code.

The prosecution story are in two parts. In the first part,
the allegation has been made that the daughter of one Nagu Yadav
was subject to abduction 20-25 days prior to this event. The
kidnappers are the brother-in-law of co-villager of informant
namely Vijay Yadav and the said 3 persons visited to the house of
informant and started requesting to the deceased and son of
informant to talk with Nago Yadav but upon refusal the said 3
persons started abusing them and allegation upon the said 3
persons that they have assaulted the brother of informant on his



head by *lathi*, due to which, he fell down. Seeing all this, the son of informant and the informant visited there to save them, in the meantime 6 accused persons including the present petitioner have assaulted them by *lathi*, iron rod, due to which, all the three were badly injured.

Learned counsel for the petitioner submits that as per F.I.R., the cause of death of deceased is due to assault made by Vijay Yadav, Shambhu Yadav and Banarasi Yadav. The allegation upon accused persons including the petitioner that they have assaulted the informant by *lathi*, iron rod and these allegations are general and omnibus. He further submits that out of 6 accused persons against whom the general and omnibus allegation has been made, 2 persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 30.11.2022 passed in Cr. Misc. No.48123 of 2022. He further submits that petitioner is in custody since 02.05.2022 having one criminal case pending against him, in which, he is persuading for bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the



satisfaction of learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Chausa P.S. Case No. 170 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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