

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72963 of 2023

Arising Out of PS. Case No.-625 Year-2022 Thana- GOPALPUR District- Bhagalpur

SATYAM KUMAR @ SATYAM YADAV S/O SUBHASH PRASAD
YADAV R/O VILLAGE- LATRA, POLICE STATION- GOPALPUR,
DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Gopalpur (Rangra) P.S. Case No. 625 of 2022 for the offence punishable under Sections 302/34 of the Indian Penal Code lodged on 14.12.2022 by the informant, Kumodi Yadav.

3. As per the prosecution story, the informant has alleged that his brother Ritesh Kumar @ Nikesh Kumar had gone to the mustard oil shop where the accused persons surrounded and further allegation is against Rajesh Yadav, Brajesh Yadav and Sumit Yadav of giving blow on the chest, cheek and palm respectively. The further allegation is on Suman Yadav of being an order giver. The victim was taken to the hospital where he succumbed to the injuries. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that he is not named in the FIR and Brajesh Yadav, in his confessional statement has named him though no role has been attributed to him by the informant. The last submission is that Sumit on whom there is allegation of assaulting on the palm of the victim, has since been granted bail in Cr. Misc. No. 51561 of 2023.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid fact that he is not named in the FIR, the informant has made specific allegation against Rajesh Yadav, Brajesh Yadav and Sumit Yadav, he is 19 years of age, do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Naugachia (Bhagalpur), in connection with Gopalpur (Rangra) P.S. Case No. 625 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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