

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72361 of 2022

Arising Out of PS. Case No.-232 Year-2022 Thana- BAGHA District- West Champaran

BHELU YADAV Son of Madan Yadav Resident of Village - Bankatwa, Ward
No.- 21, P.S. - Bagaha, District - West Champaran. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
17.10.2022 in connection with Bagaha P.S. Case No. 232 of
2022, F.I.R. dated 06.04.2022 registered for the offence
punishable under Sections 147, 148, 149, 341, 323, 324, 326,
307, 302, 504 and 506 of the Indian Penal Code.

As per allegation in the FIR, several accused persons
have assaulted the informant and his family members with
various weapons. Kashi Yadav died on the way to Bagaha
Hospital.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. Further submits that from bare
perusal of the FIR it transpired that there is no accusation of any



assault or overt-act against the petitioner rather there is specific allegation of assault or overt-act against other co-accused persons. Further submits that at best, the petitioner is only the member of the unlawful assembly. Further submits that the co-accused persons, against whom the allegation of assault, have already been granted bail by different Coordinate Benches of this Hon'ble Court, namely, Gautam Yadav & others have been granted bail vide order dated 08.02.2023 passed Cr. Misc. No.53148 of 2022 with analogous case i.e. Cr. Misc. No. 67329 of 2022 and Yogendra Yadav has also been granted bail vide order dated 21.12.2022 passed in Cr. Misc. No.53575 of 2022 and co-accused, namely, Gulteni Yadav @ Sujeet Yadav has been granted bail by a Coordinate Bench of this Hon'ble Court vide order at Annexure-3 to this bail petition and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned Additional Chief Judicial



Magistrate, 1st Bagaha, West Champaran in connection with Bagaha P.S. Case No. 232 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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