

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73895 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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KANHAIYA YADAV S/O SHRI BIJENDRA YADAV Resident of village-
Hira Tola, Ward no- 1, P.O.- Rahimpur, P.S.- Sahebpur Kamal, District-
Begusarai (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ganga Prasad Bimal, Sr. Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard Mr. Ganga Prasad Bimal, learned senior
counsel for the petitioner and Mr. Brajendra Nath Pandey, the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
31.08.2022 in connection with Sahebpur Kamal P.S. Case No.
131 of 2022, F.I.R. dated 15.05.2022 registered for the offence
punishable under Sections 147,149,342,307,353,337, 338 and
504 of the Indian Penal Code.

The prosecution case, in short, is that the informant
alleged that the FIR named accused persons including the
petitioner and 10-15 unknown persons assaulted the police
including the informant with bricks to defy the execution of
public order and causing serious injuries to the informant.



Learned senior counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of any assault or overt-act against the petitioner. Further submits that there is no injury report on the record and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 31.08.2022.

Learned APP for the State, on other other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

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-IV, Begusarai in connection with Sahebpur Kamal P.S. Case No. 131 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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