

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37013 of 2024

Arising Out of PS. Case No.-203 Year-2021 Thana- BENIPATTI District- Madhubani

Sujit Yadav @ Sujit Kumar @ Sujit Kumar Yadav S/O Bhoril Yadav R/O
Village- Samada, P.S- Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-09-2024 Heard Mr. Gagan Deo Yadav, learned counsel for the
petitioner and Mr. Arvind Kumar Pandey, learned APP for the
State.

2. The petitioner is in custody in connection with
Benipatti P.S. Case No. 203 of 2021 for the offence punishable
under sections 143, 341, 323, 324, 307, 379, 354-A, 504 and
506 of the Indian Penal Code lodged on 18.09.2021 by the
informant, Saroj Yadav.

3. As per the prosecution story, the allegation is that
the petitioner Sujit Yadav @ Sujit Kumar Yadav assaulted the
informant's brother as also his father by 'Farsa' causing injuries
to them. So far as the other accused persons namely, Kamlesh
Yadav, Manoj Yadav and Mithun Yadav @ Mithun Kumar
Yadav are concerned, omnibus allegations is/are there against



them of assault. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that earlier the injury was shown to be simple in nature but later it turned into grievous, he has already suffered by being in custody since 06.02.2024 (paragraph no.15 to the petition) last concede that he has criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that allegation against him is of using '*farsa*' to assault the informant side.

6. The allegation is there, F.I.R. has also been lodged, charge sheet submitted, earlier the anticipatory bail application of some of the accused persons were extended in Cr. Misc. No.49644 of 2022 (Nawal Yadav vs. State of Bihar) in which the case of the petitioner was rejected on the ground of his allegation, he has remained in custody since 06.02.2024 and undertakes to diligently appear in trial, this Court is inclined to extend him the privilege of bail.

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 1st Benipatti, Madhubani, in connection with Benipatti P.S. Case No. 203 of 2021, subject to the



following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 one year 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.

(Rajiv Roy, J)

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