

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51248 of 2024**

Arising Out of PS. Case No.-100 Year-2024 Thana- JHAJHA District- Jamui

Borhan Yadav @ Bodhan Yadav son of Dilo Yadav Village- Sohajana PS-
Sikandra District- Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 11-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Jhajha P.S. Case No. 100 of 2024 for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 324, 307, 379, 504, 506 of the Indian Penal Code and later section 302 of the Indian Penal Code was added lodged on 09.03.2024 by the informant, Surendra Yadav .

3. As per the prosecution story, the informant alleged that while his uncle was irrigating the land, the accused persons including this petitioner abused and assaulted but on the presence of co-villagers, they left the place. As they were going going to make complaint before the Jhajha



police station, it is alleged that the accused again assaulted the informant's side and further, allegation against this petitioner is of taking Rs.25,000/- with a golden chain. This led to the FIR.

4. Subsequently, Laxman Yadav succumbed to his injury and as such section 302 of the IPC has been added.

5. Learned counsel for the petitioner submits that a perusal of the FIR would show that omnibus allegation has been made against all the accused persons with additional ornamental allegation of taking away Rs.25,000/- as also the gold chain. Though, death has occurred but all the family members have been implicated in the matter and no direct allegation is against this petitioner. He has remained in custody since 11.03.2024 (para-11 of the petition).

6. Learned APP opposes the prayer submitting that though the allegation is omnibus but fact remains that a person succumbed to the injury.

7. The allegation is there, it is also a fact that one of the member of the informant's side succumbed to the assault of the accused side, so far as the allegation is concerned, the same is found to be omnibus in nature, no role has been assigned to this petitioner, is in custody since 11.03.2024 and



has been undertaken by the learned counsel for the petitioner that he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

8. 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 Chief Judicial Magistrate, Jamui, in connection with Jhajha P.S. Case No. 100 of 2024 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 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 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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