

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52705 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- DHANAHA District- West Champaran

Sakaldeo Yadav, Male, aged about 50 years, son of Late Ramdhari Yadav, R/O
Village- Mushahari Baira Bazar, P.S.- Dhanaha, Dist.- 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. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Dhanaha PS Case No.105 of 2023 dated 03.06.2023, instituted for the offence punishable under Sections 341, 323, 324, 325, 326, 307, 302, 120-B/34 of the Indian Penal Code.

3. The prosecution case, in short, is that father of the informant was sleeping at his *Ghatha* after taking dinner. In the meantime, unknown persons assaulted him by means of sharp edged weapon causing multiple injuries on his body including head. After the incident, he fell down and the villagers took him to the hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. First Information Report was lodged against unknown persons, that too, after nine days of the occurrence. Name of the petitioner has come on the basis of confessional statement of co-accused Amal Yadav. Nothing specific overt act has been alleged against the petitioner. There is no eye witnesses to the occurrence. Further submission is that similarly situated co-accused, Heera Yadav @ Hira Yadav, has been granted by this Court by order dated 11.03.2024 passed in Cr. Misc. No.14864 of 2024 and co-accused Kamal Yadav has been granted bail by a co-ordinate Bench of this Court by order dated 04.04.2024 passed in Cr. Misc. No.22889 of 2024. Lastly, it is submitted that the petitioner is in custody since 02.02.2024 and four criminal cases are pending against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Bagaha, West Champaran, in Dhanaha PS Case No.105 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every



date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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