

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63375 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- SHANKARPUR District- Madhepura

Upendra Yadav S/o Late Dhruv Yadav R/o vill - Kabhiyahi, ward no. 11, P.S. -
Shankarpur, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Ranjan, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Shankarpur P.S. Case No. 37 of 2024 for the offence punishable under sections 302 and 34 of the Indian Penal Code lodged on 27.02.2024 by the informant, Lalit Kumar.

3. As per the prosecution story, the informant alleged that he had gone to the house of Sandip Kumar, where he found the petitioner along with other accused beating him with iron rod along with 10-15 unknown persons, Sandip Yadav poured acid in the eyes and mouth of deceased, police was informed, arrived, taken to the hospital but he died. This led to the FIR.

4. Learned counsel for the petitioner submits that two FIR versions are there, one the present case, the other Shankarpur P.S. Case No. 36 of 2024 lodged on the same day at



the same time, according to which, the deceased along with other accused persons surrounded the informant's husband, Dinesh Das and thereafter opened fire. As the sound of the firing alerted the villagers, they caught hold of the deceased in the present case, Rupesh Kumar and subsequently, beaten indiscriminately which ultimately led to his death.

5. It is his submission that in the said mob violence, assigning roles to the accused persons is nothing but enmity and so far as this petitioner is concerned, he is 66 years of age, is in custody since 24.04.2024 (para 18 of the petition) and if granted bail, shall be diligently appearing in trial.

6. Learned APP though opposes the prayer for bail submitting that allegation is there against the petitioner though the concede that the earlier version is that of the Shankarpur P.S. Case No. 36 of 2024 in which Rajkumari Devi had made allegation against the deceased in which he was caught hold of by the villagers and ultimately the injuries inflicted resulted into his death.

7. Taking into account the submissions put forward by the parties as also the fact that two versions to the same occurrence are there. While in first version, Dinesh Das was killed by the deceased in the present case, in the mob violence,



Rupesh Kumar also succumbed to injuries. It was a mob violence in which the petitioner has also been made an accused. In the aforesaid background, 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) each with two sureties of like amount each to the satisfaction of learned ACJM-1, Madhepura in connection with Shankarpur P.S. Case No. 37 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/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 six months 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)

Vijay Singh/-

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