

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68785 of 2024

Arising Out of PS. Case No.-122 Year-2022 Thana- RUPAULI District- Purnia

Sushil Yadav @ Shusil Yadav Son of Bhola Yadav R/O Vill.- Jangal Tola,
P.S.- Rupauli Mohanpur, Dist.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Rupauli (Mohanpur) P.S. Case No. 122 of 2022, registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 384, 385, 379, 307, 504, 506 and 325/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that on 18.05.2022, while the informant along with his son was in his field, in the meantime, all the accused persons named in the FIR, including the petitioner, came there and started demanding ransom of Rs.10,00,000/-. The accused persons also abused and assaulted the informant, his son and other persons, however, the son of the informant managed to flee away.

4. Learned Advocate for the petitioner contended that



the from the narratives made in the FIR, it is evident that no specific allegation has been leveled against the petitioner rather general and omnibus allegation has been leveled against all the eight accused persons, including the petitioner. He further submits that only because of the past criminal antecedent and the enmity between the parties, his name has been implicated in this case. Co-accused person, having identical allegation, has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 55022 of 2022 vide order dated 16.12.2022. The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the criminal antecedent of the petitioner speaks loud and disclose the complicity of the petitioner in identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the period of custody, as also the fact that one of the co-accused person, having identical allegation, has been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Purnea in connection with Rupauli (Mohanpur) P.S. Case No. 122 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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