

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69720 of 2023

Arising Out of PS. Case No.-646 Year-2021 Thana- BAHADURPUR District- Darbhanga

PRADEEP YADAV son of Asheshwar Yadav Village- Abdullahpur Ps-
Bahadurpur Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate
	:	Mr. Girish Chandra Jha, Advocate
	:	Mr. Ashish, Advocate
For the informant	:	Mr. Madhav Kumar, Advocate
	:	Mr. Pintu Kumar Patel, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 14-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in connection with
Bahadurpur P.S. case No. 646 of 2021 instituted for the
offences under Sections 147, 148, 149, 323, 341, 379, 448, 504,
506 of the Indian Penal Code but the cognizance was taken
under Section 147, 148, 149, 307, 324, 341, 348, 504, 506 of the
Indian Penal Code.

3. Prosecution case, in short, is that the accused
persons including this petitioner entered the house of the
informant and assaulted her and her family members. It is



further alleged that this petitioner assaulted on the head of the informant by using iron rod.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that *bhabhi* of the petitioner was murdered by the informant's side for which Bahadurpur P.S. Case No. 191 of 2021 and the present case has been lodged by the informant only to put pressure upon the petitioner to compromise the said case. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.04.2023 and has four criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant submitted that the petitioner alongwith other co-accused persons has brutally killed the informant of this case by means of knife and for this occurrence, the son of the informant of the present case has lodged the FIR bearing Bahadurpur P.S. Case No. 503 of 2023. Learned counsel for the informant, therefore, urged that the petitioner may not be released on bail, as if the petitioner be allowed the privilege of bail, there is possibility of threat to the life of the witnesses of this case.

6. Considering the aforesaid facts and circumstances



of the case, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, **after framing of charge, if not already framed** on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bahadurpur P.S. case No. 646 of 2021, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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