

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70669 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- CHANDAUTI District- Gaya

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Mahendra Yadav, Son of Late Mangar Yadav, R/O Village- Habbipur, P.S.-
Chandauti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Chandauti P.S. Case No.
129 of 2024 registered for the offence punishable under Sections
448, 341, 323, 307, 325, 379 and 34 of the Indian Penal Code.

3. Allegedly while the informant's husband was at his
service place in Mughalsarai, in the mean time all the FIR
named accused persons including the petitioner entered into her
house and committed theft. Apart from the allegation of theft it
is also alleged that the petitioners have assaulted the informant
and her family members, due to which they sustained serious
injuries.

4. Learned Advocate appearing on behalf of the



petitioner drawing the attention of this Court to the written report submitted that the specific allegation of assault has been leveled against co-accused Arun Yadav and Barun Yadav who assaulted one Chandan Kumar, due to which he sustained injuries on his head. So far the petitioner is concerned, there is omnibus allegation that the petitioner alongwith other co-accused persons have assaulted the informant and others by means of *danda*, but there is no corroborative injury in support of the allegation. Taking note of the aforesaid fact, two of the co-accused persons have been accorded the privilege of regular bail in Criminal Misc. No. 47132 of 2024 vide order dated 10.07.2024, the case of the petitioner is based on parity. Now the petitioner has been incarcerated since 10.04.2024, the investigation is complete.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner has actively participated in the crime and assaulted the informant and others and the petitioner also bears one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus allegation and the factum of case and counter case being Chandauti P.S. Case No. 128 of 2024 lodged by the persons of the petitioners side,



coupled with the fact that co-accused persons 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. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 129 of 2024, 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.

(Harish Kumar, J)

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