

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71697 of 2024**

Arising Out of PS. Case No.-124 Year-2024 Thana- JALE District- Darbhanga

Rakesh Kumar Yadav Son of Narayan Yadav @ Ram Narayan Yadav R/O  
Vill.- Khoriya Tol, Police Station- Jalley, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                                       |
|----------------------------|---------------------------------------|
| For the Petitioner/s :     | Mr. Nilendu Kumar Choudhary, Advocate |
| For the Opposite Party/s : | Mr. Md. Ataur Rahman, APP             |
| For the Informant :        | Mr. Vijay Kumar Mishra, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      25-10-2024                      Heard the learned Advocate for the petitioner, the learned APP for the State and the learned Advocate for the informant.

2. The petitioner seeks regular bail, who is in custody in connection with Jalley P.S. Case No. 124 of 2024, registered for the offence punishable under Sections 147, 149, 341, 323, 324, 307, 506 and 504 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the accused persons were found indulge in filling land, the same was protested by the informant, whereupon, all the named accused persons, including the petitioner, brutally assaulted the informant and his other family members, due to which four persons have sustained injuries.



4. Drawing the attention of this Court to the FIR, learned Advocate for the petitioner contended that omnibus nature of allegation has been levelled against all the accused persons. The materials available on record clearly suggest that altogether four accused persons have sustained injuries. However, from the impugned order, it reveals that the same were on non-vital part of the body, except one, which has sustained to one *Chhote Lal Yadav*. It is further contended that there is counter version of the present case being Jalley P.S. Case No. 125 of 2024, registered by one of the co-accused person of the present case, against the informant and his family members. A long standing land dispute between the parties resulted into a free fight and the persons of both the sides have sustained injuries. It is next contended that one of the co-accused person, having identical allegation, has been allowed bail by this Court in Cr. Misc. No. 60188 of 2024, vide order dated 31.08.2024. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned APP for the State as well as informant vehemently opposes the bail application and submits that the petitioner has actively participated in the crime



and in the said occurrence, four of the persons have sustained serious injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fact that the case of the petitioner is based on parity and his fair antecedent, 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 Additional Chief Judicial Magistrate- 1<sup>st</sup>, Darbhanga in connection with Jalley P.S. Case No. 124 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.



(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)

shivank/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

