

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86193 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- RAGHOPUR District- Supaul

Barahamdeo Yadav, Son of Sukal Yadav, R/O-Koriapatti, Devipur, Ward No-6, P.S- Raghapur, Distt.-Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Raghapur 234 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code. He is in custody since 12.08.2024. The petitioner has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, Sakindeo Yadav and this petitioner had assaulted the informant and his family members by means of *dabiya* and rod. Co-accused Santosh Kumar and Neeraj Kumar had assaulted Kapildeo Yadav who later on succumbed to his injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this

case. It is submitted that the petitioner is in custody in connection with this case since 12.08.2024.

5. Learned counsel submits that the co-accused have already been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 83906 of 2023.

6. Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

7. Having regard to the submissions that so far as this petitioner is concerned, the allegation against him is that he had assaulted the informant by *dabiya* on his left hand and had caused injury but the main assailant Santosh Kumar who had allegedly assaulted Kapildeo Yadav (the deceased) by *khanti* repeatedly has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 83906 of 2023, even Sakindeo Yadav has been granted bail by the learned Co-ordinate Bench and the case of the petitioner stands on similar footing at least with Sakindeo Yadav and on better footing from that of Santosh Kumar, he has one criminal antecedent of petty nature in which he is on bail and in connection with the present case, he has remained in custody since 12.08.2024, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with

two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Birpur, Supaul in connection with Raghopur P.S. Case No. 234 of 2023, subject to the condition as laid down under Section 437 (3) Cr.P.C.

8. And further condition that 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 steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application is allowed.

(Rajeev Ranjan Prasad, J)

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