

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85338 of 2023

Arising Out of PS. Case No.-191 Year-2020 Thana- LAUKAHA District- Madhubani

Brahmadev Yadav @ Brahamdeo Yadav Son of Late Bangailu Yadav Resident
of Village- Dharampur, P.S.- Laukaha, District- Madhubani (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-02-2024 Heard Mr. Jitendra Kumar Bharti, the learned
counsel for the petitioner and Mr. Ram Naresh Ray, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
17.07.2020, in connection with Laukaha P.S. Case No. 191 of
2020, FIR dated 11.07.2020, registered for the offences
punishable under Sections 341, 323, 325, 307 and 302 read with
Section 34 of the Indian Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court for grant of regular bail vide Cr. Misc. No. 40718
of 2021, which was dismissed vide order dated 01.04.2022.

4. According to the prosecution case, the informant,
her husband, son and mother-in-law were assaulted by the FIR
named accused persons due to which the husband of the



informant sustained grievous injuries and was referred to DMCH, Darbhanga for better treatment where he succumbed to injury.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. As per allegations in the FIR, co-accused Ramdev Yadav and Dharmdev Yadav have assaulted the husband of the informant with *lathi* and the petitioner assaulted with *iron-rod* and in the result, the husband of the informant died during the course of treatment in DMCH, Darbhanga. He further submits that from the perusal of the FIR, it appears that there is no specific or direct allegation against the petitioner, rather there is general and omnibus allegations against all the accused persons including the petitioner.

6. Vide order dated 05.01.2024, a report was called for with regard to the stage of trial and the report dated 22.01.2024 of the learned trial Court reveals that charges have been framed against the accused persons on 06.02.2021 and altogether three prosecution witnesses have been examined as yet and the case is pending for the examination of rest of the prosecution witnesses.

7. Learned counsel for the petitioner referring to the



aforesaid report submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 17.07.2020.

8. The learned counsel for the informant as well as the learned Additional Public Prosecutor on the other hand have vehemently opposed the prayer for bail of the petitioner and submit that there is direct and specific allegation against the petitioner that he along with other co-accused persons have assaulted the husband of the informant who later died during treatment.

9. Considering the aforesaid facts and circumstances and the report of the learned trial Court, the period of custody and the clean antecedent of the petitioner, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-III, Jhanjharpur, Madhubani, in connection with **Laukaha P.S. Case No. 191 of 2020**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). 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 step 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.

(Rajesh Kumar Verma, J)

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