

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3307 of 2025

Arising Out of PS. Case No.-292 Year-2024 Thana- BARAHAT District- Banka

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Raju Yadav, Son of Jaldhar Yadav, R/o Village - Makhanpur, P.S.- Barahat,
District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 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 Barahat P.S. Case No. 292 of 2024 registered for the offence punishable under Sections 126(2), 115(2), 109(1), 76, 308(3), 117(2), 303(2), 353, 351(2), 3(5) of the Bharatiya Nyaya Sanhita.

3. Based upon the written report, the prosecution alleges that while the husband of the petitioner was engaged in sowing his field, in the mean while, all the F.I.R. named accused persons including the petitioner came there and assaulted the informant's husband by means of sharp cutting weapon and also snatched Rs. 14,000 from his pocket. It is further alleged that



when the family members and the informant rushed to save the injured, they were also assaulted and the accused persons misbehaved with them, apart from there is allegation of threatening and snatching of valuables.

4. Learned Advocate appearing on behalf of the petitioner contended that the narrations made in the F.I.R. clearly suggest that omnibus nature of allegation has been levelled against seventeen accused persons of causing assault to the husband of the informant. Even if the last portion of the F.I.R. is taken into consideration, the same has been alleged against co-accused Anil Yadav, who is not before this Court. It is further contended that in fact, there is an admitted land dispute between the parties, due to which both the parties entered into a free fight, causing injuries to the persons of both the sides. There is a counter version of the present case being Barahat P.S. Case No. 293 of 2024 registered by the wife of the petitioner, the copy of which is also marked as Annexure P/3. It is lastly contended that be that as it may, now the chargesheet has been submitted; all the more, the petitioner bears fair antecedent.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the allegation levelled in the F.I.R. also



corroborate with the post-mortem report, inasmuch as, four incise injuries were found over the body of the deceased.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation coupled with the fair antecedent and the fact that the investigation is complete and the chargesheet has been submitted, 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, Banka in connection with Barahat P.S. Case No. 292 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)

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