

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63744 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- SHANKARPUR District- Madhepura

Baljit Yadav @ Balit Kumar Son of Upendra Yadav R/O Vill.- Kabhiyahi,
Ward no.11, P.S.- Shankarpur, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Praveen Ranjan, Adv.
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Shankarpur P.S. Case No. 37 of 2024 for the offence punishable under sections 302 and 34 of the Indian Penal Code lodged on 27.02.2024 by the informant, Lalit Kumar.

3. As per the prosecution story, the informant alleged that he had gone to the house of Sandip Kumar, where he found the petitioner along with other accused beating him with iron rod along with 10-15 unknown persons, Sandip Yadav poured acid in the eyes and mouth of deceased, police was informed, arrived, taken to the hospital but he died. This led to the FIR.

4. Learned counsel for the petitioner submits that two FIR versions are there, one the present case, the other Shankarpur P.S. Case No. 37 of 2024 lodged on the same day at



the same time, according to which, the deceased along with other accused persons surrounded the informant's husband, Dinesh Das and thereafter opened fire. As the sound of the firing alerted the villagers, they caught hold of the deceased in the present case, Rupesh Kumar and subsequently, beaten indiscriminately which ultimately led to his death.

5. It is his submission that in the said mob violence, assigning roles to the accused persons is nothing but enmity and so far as this petitioner is concerned, is in custody since 11.06.2024 (para 18 of the petition) and if granted bail, shall be diligently appearing in trial. The further submission is that Upendra Yadav has been granted relief in Cr. Misc. No. 63375 of 2024 and he do not have criminal antecedent.

6. Learned APP opposes the prayer for bail submitting that though there is case and counter case, the fact remains that the brother of the informant was killed by the persons and as such, the petitioner cannot be exonerated of the allegation.

7. Having gone through the facts of the case and the materials on record as also the submissions of the respective parties, this Court take note of the fact that there are two versions of the same occurrence. As per the first version, Dinesh Das was killed and the mob thereafter chased the accused



persons, one of them was caught (Dinesh Das) and this led to mob violence and his killing. The other version is by the brother of the deceased in which the allegations have come.

6. Considering the aforesaid facts as also that he has no criminal antecedent, is in custody since 11.06.2024 (para 18 of the petition) and further one Upendra Yadav has been granted relief as stated above, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-1, Madhepura in connection with Shankarpur P.S. Case No. 37 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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