

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.89747 of 2024**

Arising Out of PS. Case No.-252 Year-2023 Thana- HUSSAINGANJ District- Siwan

Biresh Yadav @ Biresh Kumar Yadav, S/o- Shiv Bacchan Yadav Village -  
Sidhwal, P.S. - Hussainganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

- 2      17-01-2025      1. Heard Mr. Bijay Prakash Singh, learned counsel for the petitioner and Ms. Renu Kumari, learned APP for the State.
2. Petitioner seeks regular bail in connection with Hussainganj P.S. Case No. 252 of 2023 dated 08.10.2023 registered for the offence(s) punishable under Section(s) 341, 307, 447, 302, 504 read with Section 34 of the Indian Penal Code.
3. The main submissions advanced by learned counsel for the petitioner are that this is the second attempt of the petitioner to get the relief of regular bail as his earlier bail prayer was rejected by this bench vide order dated 26.07.2024 passed in Cr. Misc. No. 32629 preferred by this petitioner with giving him a liberty to renew his bail prayer after the framing of



charges upon him and in the light of the said liberty, the petitioner has renewed his bail prayer as upon him the charges have been framed on 25.11.2024 and in this regard Annexure P/3 may be perused. It is further submitted that the petitioner has been languishing in jail since 16.02.2024 and as per prosecution story narrated in the FIR he is not alleged to have assaulted the deceased and is simply alleged to have ordered the co-accused to assault the deceased but any active participation of the petitioner in assaulting the deceased has not been alleged and the main allegation of assaulting the deceased is against Mohit Kumar and Rajiv Kumar who are in judicial custody.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Having considered the above submissions and mainly taking into account the nature of allegation appearing against this petitioner and the stage of his case and also the fact that the main co-accused persons are in judicial custody as per above submission, in my opinion, now the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the



like amount each to the satisfaction of the Court concerned in connection with Hussainganj P.S. Case No. 252 of 2023 with following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.
- (2) 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.
- (3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

Rajiv/-

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