

In the Court of Additional Sessions Judge-V, Danapur
Session Trial No. 478 of 2022
(Arising out of Naubatpur P.S. Case No. 139 of 2017)

21.07.2022

The bail petition dated 06.07.2022 along-with supplementary petition has been filed on behalf of the accused-petitioner namely Fudan Yadav, son of late Bajrangi Yadav, R/o Village-Chak Chechaul, P.S. Naubatpur, District-Patna has been pressed today. A copy of the bail petition has already been served to the learned Addl. P.P.

The petitioner is in judicial custody since 07.01.2022 in connection with Naubatpur P.S. Case No. 139 of 2017 for the offence under Sections **341, 448, 324, 307/34** of I.P.C.

Heard Sri Rajeshwar Yadav on behalf of the accused-petitioner, learned Addl. P.P. on behalf of the State.

The case of the prosecution, in brief, is that an F.I.R. has been lodged on the written complaint of the informant Ajit Kumar, alleging that on 25.05.2017 at 08:00 P.M. Ravindra Yadav came and started quarreling with informant unnecessarily. Informant further alleged that Fudan Yadav, Dirahwa Yadav was also with Ravindra Yadav they together started assaulting with informant. When informant protested, Ravindra Yadav hit on the head of the informant with Garasa. Hearing the noise, the neighbours ran. Blood started oozing from the head of the informant and if the people around would not save the informant then all three accused persons together would have killed the informant.

The learned counsel for the accused-petitioner submitted that the petitioner is quite innocent and he has committed no offence as alleged. From the perusal of the FIR it is quite clear that the alleged Sections are bailable except 307 of I.P.C. which is not attracted against the petitioner and the other material available on the record it is quite clear that there is no specific allegation against the petitioner. The petitioner is in judicial custody since 07.01.2022. The other co-accused persons are on bail by this learned court vide S.T No. 729/2021. The petitioner has no criminal antecedent. The petitioner filed a bail petition before the learned A.D.J.-I, Danapur vide B.P. No. 278/2022 but the same is withdrawn. It is further submitted that on other regular or anticipatory bail petition filed before this learned court or any Higher Court on behalf of the petitioner except this bail application.

Learned Addl. P.P fairly submitted that no specific allegation is made against the petitioner. The co-accused has also been granted bail by this court.

I have heard the rival submissions of both the parties and perused the case record. No specific allegation is made against the petitioner. The charge has been framed. The co-accused has also been granted bail by this court. As per Para 3 of the bail petition the petitioner has no criminal antecedent. The petitioner is in custody since 07.01.2022. Considering all the facts and circumstances of the case and submission made by both the parties, materials available on the record and the petitioner is in judicial custody since 07.01.2022 and also the petitioner undertake that he will be present before this court physically on each and every date till the final disposal of this case and will comply all the conditions imposed by this court, I am inclined to enlarge the petitioner on bail. Accordingly, prayer of the bail of the petitioner namely Fudan Yadav is hereby allowed. Accused-petitioner is enlarged on bail after furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of this court with further conditions are (1) That one of the bailors will be a close relative of the accused-petitioner, (2) The petitioner-accused will co-operate in trial. (3) The petitioner-accused will physically present before the court on each and every date till final disposal of this case. (4) Accused-petitioner as well as sureties for the purpose of identification will produce documents either Aadhar Card, or Voter I-Card and Mobile numbers before the court at the time of furnishing bail bond. True copy of above described documents after comparing with original documents and the same will be kept in record.

Any observation made herein will be inconsequential during trial or any further stage of this case.

(Dictated)

Sd/-

Additional Sessions Judge-V
Danapur
21.07.2022