

In the Court of Sessions Judge, Supaul
B.A.-369/2026
(Arising out of Marauna P.S. Case No.59/97)

	Rajdhar Yadav, S/o- Chhutahru Yadav, R/o- Parikoanch, Ward No.08, PS- Marauna, District- Supaul; Accused/Petitioner Vs. State of BiharO.P.	
<u>06/06/26</u>	Ld. Counsel for petitioner Sri. Sudhir Kumar Jha, Advocate. Ld. APP Sri. J.N.Pandey, for the State. By this order we are going to dispose off the bail application filed on behalf of the accused/ petitioner, namely Rajdhar Yadav, who is in judicial custody since 30.04.2026 in connection with Marauna PS case No.59/97, u/s-341, 323, 324, 325, 504 of IPC. Ld. counsel for the accused/ petitioner submitted that accused/ petitioner is quite innocent and he has committed no crime and he has falsely been implicated in this case due to dirty village politics. He further submits that the accused/ petitioner has not involving in any other case and having the clean antecedent. He further submitted that all the sections under which the charge-sheet has been submitted against the accused/ petitioner, are bailable one. He further submitted that during the course of investigation the accused/ petitioner was on police bail. It is also submitted that the accused/ petitioner is in judicial custody since 30.04.2026 and no useful purpose would be served by keeping the accused/ petitioner behind the bar. Ld. APP for the State strongly opposed the prayer of bail application. In brief, the prosecution story is that on dated 22.08.1997 at about 11:00 P.M., a written statement was given by the informant namely Shradha Devi to the police of PS Nirmali, stating therein that accused Rajdhar Yadav is her neighbour and in the west side of his house there is the banana garden and flour mill of the informant and there is the dispute between the informant and the accused persons is that the accused persons were usually cutting the banana of the informant. The informant further alleged that today at about 01:00 P.M., she was returning to her home and when she reached near her flour mill she found that someone has taken away the banana fruits then the informant started abusing in the meantime the accused Rajdhar Yadav and his wife Fulo Devi having the spade assaulted the informant, thereby she sustained injury and fell down on the ground. The accused persons also snatched the silver <i>Hasuli</i> of the informant. Argument heard from both sides and perused the lower court record. Admittedly, this accused/ petitioner is in judicial custody since 30.04.2026. On perusal of lower	Contd.

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court record, it transpires that after completion of investigation, the police has submitted the charge-sheet against the accused persons u/s- 341, 323, 325, 427, 504 of IPC. After that the cognizance was taken by the Ld. Magistrate and summon was issued to the accused persons and due to non-appearance of the accused persons, the non-bailable warrant was also issued against them and the proceeding u/s- 82/83 was also initiated against them and the accused persons were declared absconder vide order dated 21.07.2017. After that this accused/ petitioner Rajdhar Yadav was arrested by the police and produced before the Ld. Lower Court on 30.04.2026 and he is in judicial custody since then. Ld. counsel for the accused/ petitioner further submitted that accused/ petitioner has never received any summon or warrant from the court. On perusal of the lower court record, it transpires that there was no any appropriate compliance of the provision of Cr.P.C regarding issuance of the non-bailable warrant initiating the proceeding u/s- 82/83 Cr.P.C was lying. The investigation of this case is complete and the charge-sheet has been submitted against the accused/ petitioner under minor sections.

Keeping in mind all these facts and circumstances and the period of custody, I find that accused/ petitioner is entitled to be enlarged on bail. Therefore, the bail application, filed on behalf of accused/ petitioner namely Rajdhar Yadav stands **Allowed** on furnishing bail bond of Rs.20,000/- with two sureties of the like amount each to the satisfaction of learned Court below and one of the bailor must be family member or close relative. Accused/ petitioner is further directed to appear in person on each and every date of hearing before the Ld. Lower court till disposal of this case.

Dictated
-Sd-
(Anant Singh)
Sessions Judge, Supaul