

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51952 of 2015

Arising Out of PS.Case No. -100 Year- 2015 Thana -PANDARAK District- PATNA

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1. Biku Yadav @ Bikky Yadav son of Triloki Yadav Resident of village-
Lemuyabad, P.s.- Pandarak, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Pandarak
P.S. Case No. 100 of 2015 registered for the offences punishable
under Sections 341, 323, 337, 307, 504/34 of the Indian Penal
Code.

Allegedly, the petitioner and Nago Yadav assaulted
Karoo Yadav, the father of the informant, on his head and other
co-accused assaulted others.

Submission is of false implication and that the injury
found on the person of Karoo Yadav is not dangerous to life, there
is no allegation that the petitioner repeated the blow, there is case
and counter case, witness Subodh Yadav in paragraph 12 of the



case diary has stated that the petitioner was assaulting Asharfi Devi and in the mean time Karoo Yadav came for rescue then Nago Yadav assaulted him with iron rod and as such prosecution version appears not reliable and further Anita Devi in paragraph 13 of the case diary has not named the petitioner as assailant. There is land dispute and as such the petitioner who is suffering in custody since 14.08.2015 deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP fairly submits that the witnesses have stated in different manner during investigation.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh in connection with Pandarak P.S. Case No. 100 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date

during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)