

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47647 of 2016

Arising Out of PS.Case No. -394 Year- 2015 Thana -ARA MUFFSIL District- BHOJPUR

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Gopal Yadav, s/o Ram Nath Yadav, r/o village Duraudha, P.S.- Ara
Mufassil, District-Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Harsh Singh, Advocate.
Mr. Tej Pratap Singh, Advocate.

For the State : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 13-12-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 03.08.2016 in connection with Ara Mufassil P.S. Case No. 394 of 2015 for the alleged offences under Sections 147, 148, 149, 448, 323, 325, 302 of the Indian Penal Code and Sections 3/4 Dayan Act.

3. It is submitted that the petitioner has been falsely implicated and the accusations are highly improbable. It is unlikely that apart from head injury, the deceased would not have sustained any other external injuries and so also the informant is said to have been assaulted by the accused persons but he does not appear to have suffered any injury. The reason for the false implication is evident from the First Information Report itself which narrates the fact of past enmity between the parties.

4. Learned A.P.P. on the other hand, opposed the bail petition submitting that the petitioner is alleged to have assaulted the deceased with iron rod.

5. On perusal of the para-6 of the case diary wherein



the statement of independent witness Jawahar Yadav was recorded, it appears that the case in respect of the occurrence is different from that stated in the First Information Report. Another independent witness Ram Babu Ram in para-7 of the case diary has also not stated anything specific against the petitioner. Other witnesses such as Seema Devi in para-8 and Kalawati Devi in para-85 of the case diary are relatives of the deceased, but neither of them are the eye witnesses.

6. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, in connection with Ara Mufassil P.S. Case No. 394 of 2015 on the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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