

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13174 of 2017**

Arising Out of PS.Case No. -145 Year- 2016 Thana -DEEPNAGAR District- NALANDA  
(BIHARSHARIFF)

=====

Upendra Yadav, son of Late Shiv Charan Yadav, resident of Village-  
Gopalpur, P.S. Deepnagar, District- Nalanda.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ramadhar Shekhar, Advocate.

For the Opposite Party : Mr. J.K. Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2      18-03-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is in custody since 25.09.2016 in connection with Deepnagar P.S. Case No. 145 of 2016 for the offences alleged under Sections 147, 148, 149, 448, 323, 325 and 307 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and in any event the thrust of accusation of committing assault is specifically against other accused persons whereas the petitioner along with co-accused Yogendra Yadav is said to have only thrown the informant on the ground. There is considerable delay in recording the *Fardbeyan* on 25.07.2016 in respect of the alleged occurrence of 20.07.2016 and yet a further delay in instituting the F.I.R. on 28.07.2016. Admittedly, on the basis of the averments in the *Fardbeyan*, there is land dispute between the parties. Petitioner claims clean antecedents.



4. Having regard to the entirety of the facts and circumstances of the case, as well as the period of custody since 25.09.2016, 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, Biharsharif, Nalanda, in connection with Deepnagar P.S. Case No. 145 of 2016, 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.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Vikash Jain, J)**

Md. Ibrarul/psc

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