

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40874 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- GOPALPUR District- West Champaran

Bramdew Yadav @ Brahmdev Yadav S/o Late Yadavlal Yadav resident of
Village - Gulariya, P.S. Gopalpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Indra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018

Heard learned counsel for the petitioner, learned

counsel for the informant and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Gopalpur
P.S. Case No. 18 of 2018 registered for the offence punishable
under Sections 341, 323, 307, 354 and 504/34 of the Indian
Penal Code.

The prosecution case, as lodged by the victim girl,
aged 18 years is that while in the morning she had gone for
natural call, the petitioner along with three others saw her with
bad intention and started abusing her. There was a property
dispute between both the sides and at the instance of co-
accused, Kanhaiya Paswan, co-accused, Niranjan Yadav gave
knife blow, which as per the medical opinion, was found to be
grievous in nature.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been committed by him and main allegation is upon Kanhaiya Paswan and Niranjana Yadav. The allegation against the petitioner is that he had accompanied them. It has further been submitted that the petitioner is languishing in judicial custody since 21.04.2018 and is ready to co-operate in the investigation and undertakes not to tamper with the prosecution witnesses.

However, learned counsel for the informant and the learned A.P.P. for the State vehemently oppose the prayer for bail stating therein that the petitioner along with three other co-accused had abused the informant and was viewing her with bad intention and that the petitioner does not have a clean antecedent, as one more case is pending against him, although final form has been submitted against him in that case.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 18



of 2018, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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