

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71809 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- JOGAPATTI District- West Champaran

Bunela Yadav, Son of Late Bhikhari @ Paras Yadav, Resident of Village-
Lalgarh, Police Station- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 447, 341, 323, 324, 307, 302, 427, 379, 504, 34 of the Indian Penal Code.

The prosecution case, in brief, is that in the backdrop of demand of pension amount, dispute arose and Kalavati Devi was assaulted and in course of treatment, she succumbed to the injuries.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner is alleged to have assaulted the informant and his Fua



by means of Farsa & Lathi. The occurrence is said to have taken place on 01-01-2018. The fardbeyan of the informant was recorded on 06-01-2018 i.e. after five days of the occurrence and the case was instituted on 25-01-2018 and the said FIR was produced in the court on 29-01-2018. Delay has not been explained by the prosecution. Allegation of assault upon Fua of the informant is against this petitioner. The said Fua of the informant happens to be mother of this petitioner. The petitioner on 01-01-2018 instituted a case against six persons including the informant of the present case. The said case was instituted on 01-01-2018 with allegation that the informant of the present case had assaulted the mother of the petitioner and she succumbed to the injuries. The FIR instituted by the petitioner is Annexure-2 to the present application. The present case has been instituted by the informant only to save his skin and to create defence for proving his innocence.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 49 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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