

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40692 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- SHANKARPUR District- Madhepura

RAIBAHADUR YADAV @ RAMBAHADUR YADAV Son of Dorik Ray
Resident of Village - Kajara, P.S.- Shankarpur, Distt - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-09-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 149, 323, 307, 504, 506 of the Indian Penal Code registered in connection with Shankarpur P.S. Case No. 27 of 2019.

3. It is submitted that the petitioner has been falsely implicated and there is case and counter case between the parties in which both sides have sustained injuries. The injury on the head of the informant has sustained as he was fleeing away and dashed into an electric pole as stated by some of the witnesses in connection with the counter case filed by the petitioner and not by reason of assault with farsa by the petitioner, as alleged. A supplementary affidavit has been filed stating that the petitioner is an aged person of about 70 years. The petitioner claims clean antecedents.

4. Learned APP refers to injury report in the case diary to submit that injury no. 1 sustained by the informant on his head is grievous caused by hard blunt object.

5. Be that as it may and considering the age of the petitioner and the informant's injury is said to have been caused by hard blunt object,



in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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 ACJM I, Madhepura, in connection with Shankarpur P.S. Case No. 27 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further 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 co-operate 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.
- iv. 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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