

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11301 of 2020**

Arising Out of PS. Case No.-185 Year-2019 Thana- SONO District- Jamui

SATYANARAYAN YADAV Son of Kashi Yadav Resident of Village -
Dahiyari, P.S.- Sono, Distt – Jamui. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 02-06-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

This is an application for grant of regular bail to the sole petitioner in connection with Sono P.S. Case No. 185 of 2019 registered for the offence punishable under Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that admittedly there is a land dispute between the petitioner and the informant and the alleged occurrence is said to have taken place while ploughing the field.

Learned counsel submits that the allegation against this petitioner is that he was holding an axe in his hand and had



assaulted the informant from the axe but the injury report shows two injuries; one injury on the head and another is tender swelling on the left elbow and in the opinion of the doctor both the injuries have been caused by a hard and blunt substance.

Learned counsel submits that the petitioner has remained in custody for five months, investigation against him is complete and in case the petitioner is ordered to be released he will abide by the terms and conditions for the grant of regular bail.

Learned APP for the State has though opposed the prayer for bail of the petitioner but it is not disputed that the injury report as contained in paragraph '14' of the case diary shows two injuries caused by hard and blunt substance whereas it is alleged that the petitioner was holding an axe in his hand and had assaulted by the said axe.

Considering the facts and circumstances of the case, the fact that the parties were having a land dispute and the alleged occurrence is said to have taken place while ploughing the field, the petitioner was allegedly lashed with axe in his hand and had assaulted the informant from the said weapon but the injury report shows the injuries caused by hard and blunt substance, the petitioner has remained in custody for five



months and had no criminal antecedent otherwise also there is no submission on behalf of the State that the release of the petitioner in any way is likely to interfere with the course of trial or may result in tampering with the evidence, let the petitioner above named be released on bail in connection with Sono P.S. Case No. 185 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Smt. Bharti Kumari, Judicial Magistrate ist Class, Jamui, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of



India and the State Government with regard to COVID-19
Pandemic during the lockdown period. The authorities
concerned shall take appropriate steps to ensure such
observance prior to and after release of the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

