

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17778 of 2020**

Arising Out of PS. Case No.-5 Year-2019 Thana- NARPATGANJ District- Araria

SURESH YADAV Son of Shri Khelanand Yadav Resident of Village -
Panjarkatta Ward No. 01, P.S.- Narpatganj, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

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

2 03-06-2020 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

petitioner in connection with Narpatganj P.S. Case No. 5 of

2019 registered for the offence punishable under Sections 341,

323, 324, 307 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that

although there is an allegation that this petitioner had assaulted

the father of the informant by a spade but there are allegations

against the co-accused Sharwan Yadav and Naresh Yadav that

they had again assaulted by Farsa because of which the father of



the informant fell down. Learned counsel submits that in the impugned order the injury report has been discussed and it may be found that the doctor has found one lacerated wound on the left side of parietal-frontal-temporal region. It is submitted that the allegation against the petitioner is that of giving a blow by a spade and then there are repetition by the co-accused but the manner of occurrence alleged does not find support from the injury report.

It is further submitted that the first information report has been lodged after ten days of the alleged occurrence and the informant has himself stated that he had taken his father to Nepal for treatment but prior to that the occurrence was not reported to the nearest police station. It is submitted that the petitioner is in judicial custody since 16.01.2020, investigation against him is complete and it is a case of false implication of the petitioner on account of land dispute.

Learned counsel for the State has though opposed the prayer for regular bail of the petitioner, however, considering the facts and circumstances of the case wherein it appears from the FIR that the parties have got some land dispute and the first information report has been lodged ten days after the alleged occurrence, father who is said to be the injured of the informant was taken to Nepal without informing the Police about the alleged



occurrence and then manner of occurrence is not getting support from the injury report which indicate only one injury whereas allegation is that of assault by spade and thereafter by Farsa, the petitioner is in custody for more than four months, investigation against him is complete and it is not the submission of the State that the release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail in connection with Narpatganj P.S. Case No. 5 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 learned Chief Judicial Magistrate, Araria, 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 allowed.

(Rajeev Ranjan Prasad, J)

avin/rajeev-

U		T	
---	--	---	--

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'.

