

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34093 of 2020**

Arising Out of PS. Case No.-475 Year-2019 Thana- NAUTAN District- West Champaran

Sukhari Yadav, S/o Late Bhuteli Yadav, R/o Village/Mohallah-Aahir Toli,
Ward No.08, P.S.-Nautan, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Aprajita, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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

2 15-12-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioner has sought permission to make correction in the prayer portion of the application as according to her in place of learned Additional District and Sessions Judge-II court it should be the court of learned Chief Judicial Magistrate to whose satisfaction the bail bonds are required to be furnished.

Let the correction be carried out accordingly.

Heard learned counsel for the petitioner and Mr. Narendra Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in



connection with Nautan P.S. Case No. 475 of 2019 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 302, 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that there is general and omnibus allegation against this petitioner. It is submitted that the specific allegation of giving farsa blow on the head of the husband of the informant is against co-accused Golu Yadav. It is also submitted that the petitioner has no criminal antecedent and he is in judicial custody since 14.12.2019.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed from the submissions made on behalf of the petitioner that the dispute between the parties had taken place on some petty issues and then altogether 12 named accused persons including this petitioner allegedly lashed with country made Katta came there and all of them started assaulting the husband of the informant but the specific overt act of giving farsa blow on the head of the husband of the informant has been attributed to co-accused Golu Yadav, the



impugned order passed by the learned Additional Sessions Judge-II court, West Champaran, Bettiah is also recording that the specific allegation of giving farsa blow causing injury on the head of the deceased is attributed to co-accused Golu Yadav, the submission of learned counsel for the petitioner is that it is a case of over implication of the accused, the petitioner has otherwise no criminal antecedent, the trial is not likely to be concluded in near future and there is no submission on behalf of the State that the release of the petitioner at this stage is likely to interfere with the course of trial or tampering with the evidence, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Nautan P.S. Case No. 475 of 2019, subject to the condition as laid down under Section 437 (3) 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, of 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

