

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18030 of 2021**

Arising Out of PS. Case No.-61 Year-2020 Thana- LAUKAHI District- Madhubani

SHIV SHANKAR YADAV Son of Sri Jawar Yadav @ Jawahar Yadav
Resident of Village- Hariraha, Rustampur, P.S.- Laukhi, District- Madhubani.
... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra,Advocate
For the Opposite Party/s : Mr.Shantanu Kumar,APP

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

2 14-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shantanu Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Laukahi P.S. Case No. 61 of 2020 registered for the offences punishable under Sections 143, 341, 323, 324, 307, 379, 188, 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 1.4.2020 the informant had collected some material of the building, in the meantime, FIR named accused lased with arms came to him and assaulted him. It is alleged that this petitioner had assaulted the informant with farsa on his head as a result of which he sustained head injury.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is alleged to have given farsa blow to the informant but the injury report shows that all the injuries are simple in nature. It is further submitted that three co-accused namely, Rajesh Kumar, Jawahar Yadav and Aram Sagar have been granted privilege of anticipatory bail vide Cr. Misc. No. 36847 of 2021. The petitioner is in custody since 05.12.2020.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that as per the allegation this petitioner had given a farsa blow upon the informant, however, the injury report shows that all the injuries are simple in nature, the three co-accused namely, Rajesh Kumar, Jawahar Yadav and Aram Sagar have been granted privilege of anticipatory bail vide Cr. Misc. No. 36847 of 2021, the petitioner has remained in jail in connection with this case since 05.12.2020, he has got one case on his head which has been lodged by the wife of the informant, investigation against him in the present case is complete but the trial is not likely to be taken up in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of



learned S.D.J.M. Jhanjharpur, District-Madhubani in connection with
Laukahi P.S. Case No. 61 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make
and 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. However, the acceptance of bail bonds in terms of the
above-mentioned order shall not be delayed for purpose of or in the
name of verification.

The application stands allowed.

(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'.

