

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17879 of 2021**

Arising Out of PS. Case No.-44 Year-2020 Thana- KHUDAGANJ District- Nalanda

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JAWAHIR YADAV SON OF ACHHU YADAV R/O VILLAGE-
PARMANANDPUR, P.S.- KHUDAGANJ, DISTRICT- NALANDA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

2 02-07-2021 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. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Khudaganj P.S. Case No. 44 of 2020 registered for the offences punishable under Sections 147, 148, 341, 323, 325, 307, 354, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 25.4.2020 when the informant was coming from Hathiama Bazar to his house, in the meantime, Raju Yadav, Santosh Yadav, Laltush Yadav, Shiv Yadav blocked his



way and started abusing him. Raju Yadav assaulted the informant with iron rod on his head. It is further alleged that when the mother, Bhabhi and niece of the informant came to rescue him with some villagers then this petitioner along with other co-accused assaulted the family members of the informant.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the injury report shows that the injuries caused to Kosindar Chauhan were simple in nature. The petitioner is in custody since 6.12.2020.

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 it is the case of over implication of the accused by concocting a story, so far as the present petitioner is concerned, the allegation against him is that he had assaulted Kosindar Chauhan but the injury report shows that said Kosindar Chauhan had suffered only two bruises and one lacerated wound which were found to be simple in nature, the petitioner has remained in jail in connection with the present case since 6.12.2020, investigation against him is complete but the trial is not likely to



be taken up in near future, and in the only case stated against him in paragraph-3 he is said to have been acquitted, in the circumstances 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Khudaganj P.S. Case No. 44 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'.

