

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23435 of 2020

Arising Out of PS. Case No.-70 Year-2018 Thana- MARAUNA District- Supaul

Arjun Yadav, aged about 50 years, Male, Son of Malhu Yadav Resident of Village-Belhi, Police Station-Marauna, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 08-04-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with Marauna P.S. Case No. 70 of 2018 registered for offences under sections 147, 148, 149, 341, 323, 324, 307, 302, 379, 504, 506 of the Indian Penal Code.

The petitioner is carrying two criminal antecedents over his head.

In the present case, an allegation has been made that on 12.7.2018, the Informant with his father Hira Lal Yadav was coming on motorcycle. In the way, both of them were surrounded by the accused persons including petitioner. Allegation has been made against the petitioner of assaulting with the butt of the gun on the head of the father of the



Informant whereafter he fell down on the earth, he was taken to the hospital for his treatment, was admitted in the hospital but, later on, he died.

Learned counsel for the petitioner submits that there is a land dispute between the parties and, on that account, the present incident has taken place and various persons have been arrayed as accused persons. He further submits that the allegation against the petitioner is of assault by using back side of the gun and not of firing which itself shows that there was no intention of killing. He again submits that there is no allegation of repeated assault against the petitioner.

The petitioner is in judicial custody since 17.01.2020 i.e. for more than one year.

Looking to the entirety of the matter as also considering the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Supaul in connection with Marauna P.S. Case No. 70 of 2018, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty



to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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