

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.121 of 2021**

Arising Out of PS. Case No.-11 Year-2020 Thana- HARPUR District- Munger

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AMARNATH YADAV @ AMARJIT YADAV SON OF SHIVSHANKAR
YADAV RESIDENT OF VILLAGE KAMARGANG, P.S.- SULTANGANJ,
DISTRICT BHAGALPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No.2, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 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. Ajay
Kumar No.2, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Harpur P.S. Case No. 11 of 2020
registered for the offences punishable under Sections 147, 148,
149, 323, 324, 341, 342, 307, 379, 504, 506, 120 and 302 of the
Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story, the husband of the informant Ganesh
Yadav was going to tie the buffalo near river in the meantime,



six FIR named persons including the petitioner armed with lathi, danda, khanti and rod came to the husband of the informant and assaulted him due to a land dispute. The co-accused Chandramani Yadav assaulted her husband on his head by means of iron rod to kill him as a result of which he sustained injury and became unconscious and then this petitioner snatched a golden chain from his neck.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the specific allegation of giving an iron rod blow on the head of the husband of the informant is against co-accused Chandramani Yadav. The petitioner is in custody since 6.4.2020.

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 this Court has noticed from the allegations made in the First Information Report that altogether six persons are named in the FIR as those who had allegedly assembled on the place of occurrence but the specific allegation of giving an iron rod blow on the head of the husband of the informant is against co-accused Chandramani Yadav but there is no allegation that



this petitioner had given any blow upon the deceased, the only allegation is that he had snatched away the golden chain which according to the learned counsel for the petitioner is concocted story, the petitioner has got one criminal antecedent in which he is on bail, he is in custody in connection with the present case since 6.4.2020, 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 S.D.J.M., Munger in connection with Harpur P.S. Case No. 11 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'.

