

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2186 of 2021**

Arising Out of PS. Case No.-285 Year-2020 Thana- SHERGHATI District- Gaya

RAJESH YADAV Son of Sukhlal Yadav Resident of Village- Jamunaiya, P.S.-
Dobhi, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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

5 06-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sherghati (Dobhi) P.S. Case No.285/2020 registered for the offences punishable under Section 147, 149, 341, 323, 379, 307, 504, 506 of the Indian Penal Code and later on Section 302 of the I.P.C. was added.

As per prosecution story, the informant alleged that on 16.06.2020 the petitioner along with other named accused persons armed with lathi, danda came to her house with intention to kill her husband and start abusing her and on protest they all started assaulting her and her husband, brother-in-law and sister-in-law who came to rescue her, due to which they all sustained head injury.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is a case and counter case between the parties and both parties are agnates and they have entered into scuffle on a land dispute, however petitioner is in custody since 18.06.2020 having no criminal antecedent.

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 it appears from the submissions of learned counsel for the petitioner and learned A.P.P. for the State that there is a case and counter case between the parties, both parties are agnates and they have entered into scuffle on a land dispute, the petitioner also has suffered injury and so far as the injury caused to the deceased is concerned, there is no specific allegation against the petitioner, in the first information report there are altogether eight named accused and the allegations are that all of them had assaulted the husband of the informant, considering the facts and circumstances of the case, there being general and omnibus allegations, the petitioner having remained in custody in connection with this case for more than a year, investigation against him is complete but the trial is not likely to be concluded



in near future, this Court directs release of the petitioner above named 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 Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 285/2020, 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. 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

