

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1663 of 2021**

Arising Out of PS. Case No.-536 Year-2020 Thana- MUFFASIL District- West Champaran

VISHWANATH YADAV SON OF SRI KAILASH YADAV RESIDENT OF
VILLAGE-PARWATIYA TOLA, CHARGAHAN, POLICE STATION-
BETTIAH MUFASSIL, DISTRICT- WEST CHAMPARAN (BETTIAH)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate
For the Informant	:	Mr. Ashok Kumar Gupta, Advocate
For the State	:	Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-04-2021 Heard Mr. Ajay Thakur, learned counsel for the petitioner, Mr. Ashok Kumar Gupta, learned counsel for the informant and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Bettiah Mufassil P.S. Case No. 536 of 2020 registered for the offences punishable under Sections 341, 342, 323, 496, 354(B), 380, 504 and 506/34 of the Indian Penal Code 1860.

The allegation as per the First Information Report lodged by the informant stating therein that the petitioner



and co-accused were having evil eye upon the informant inasmuch as she has been living alone along with her children and her husband lives outside for earning livelihood. It has further been alleged that on 8.6.2020 the informant called Grill Mechanic for measurement of window but the accused persons levelled false allegation against the informant of having illicit relationship with the Grill Mechanic, took her along with Grill Mechanic near the temple, tied them in a pillar and, thereafter, assaulted the informant and Grill Mechanic brutally. The petitioner has allegedly assaulted the informant by means of iron rod.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village politics and the family dispute inasmuch as Arjun Patel and Mantu Patel are agnates of the informant and the fact of the matter is that the informant along with the Grill Mechanic was seen in an objectionable situation and the villagers took them near the temple and asked the Grill Mechanic to marry with the informant.

Learned counsel further submits that no injury has been found on the body of the informant due to the alleged



assault made by the petitioner and the First Information Report has been lodged with premeditated mind after a long delay inasmuch as the occurrence has allegedly taken place on 8.6.2020 and the First Information Report has been lodged after a delay of about more than two months i.e. on 16.8.2020. The petitioner is in custody since 20.8.2020.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the petitioner has got criminal antecedents and in some of the cases, he was absconding. However, the Police in connivance with the petitioner has not taken the petitioner on remand in those cases.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the nature of allegation and the fact of the case in totality, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, West Champaran at Bettiah, in connection with
Bettiah Mufassil P.S. Case No. 536 of 2020.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding
social distancing.

(Anil Kumar Sinha, J)

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