

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10877 of 2021**

Arising Out of PS. Case No.-204 Year-2020 Thana- PIPRA District- Supaul

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CHHOTELAL YADAV LATE KHATTAR YADAV Resident of Village-
Kataiya Ward No. 11, P.S. Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

Mr. Vikram Deo Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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

3 14-06-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Pipra P.S. Case No.204/2020 registered
for the offences punishable under Sections 147, 148, 149, 323,
324, 325, 307, 447, 379, 504 and 506 of the Indian Penal Code.

As per the prosecution story one Kamleshwari Yadav
submitted a written report to the SHO, Pipra police station
alleging therein that on 2.8.2020 at 7.00 am he was going to
plough his khatiyani land by tractor. In the meantime, near gas
godown all the accused persons named in the FIR came lashed
with several weapons and assaulted him and took away
Rs.2000/- in cash and a golden chain.



Learned counsel submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that there is no specific allegation of assault against the petitioner and all the injuries are found to be simple in nature which is evident from Annexure-2 to the present application. It is submitted that the petitioner has remained in jail in connection with the present case since 03.08.2020.

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 alleged that as per the FIR this petitioner had assaulted one Narayan Yadav by an iron rod, however, learned counsel for the petitioner has shown the injury report which is annexed as Annexure-2 to the present application and submits that the injuries are simple in nature, upon noticing that the petitioner has already remained in jail in connection with the present case since 03.08.2020, investigation against him is complete and in the two cases stated in paragraph '3', in one case he is on police bail and in one another case he has already been exonerated, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/-



(Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Supaul in connection with Pipra P.S. Case No.204/2020, 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'.

