

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6927 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- BARAULI District- Gopalganj

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Guddu Kumar Yadav @ Guddu Kumar Ydav, S/o Sri Indrasan Yadav,
Resident of Vill- Ratan Sarai (Tola - Surawal), P.S. Barauli, District –
Gopalganj. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-02-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Binod Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Barauli P.S. Case No. 71 of 2020 registered for the offence under Sections 341, 342, 307, 323, 324, 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant's son was returning to his house from market he was encircled by the accused persons and the petitioner caught hold him and the other accused persons caused injury to him by knife and iron-rod.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that



there is no allegation of causing injury against the petitioner and simply it is alleged that he was catching hold the informant's son. The petitioner is in custody since 26.08.2020. It is submitted that there is over implication of accused in this case.

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 the allegation against the petitioner is that he had caught the son of the informant and there is no allegation that he had inflicted any assault upon his son, the submission is that it is a case of over implication of accused and further that the petitioner has remained in jail in connection with this case since 26.08.2020, investigation against him is complete, the petitioner and the informant are Khas Pattidar/co-sharer and the alleged occurrence is said to have taken place on account of a land dispute, also considering that the petitioner has got two cases on his head which are said to have been instituted by the informant and his family members in which the petitioner is on bail, let the petitioner above named be released 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 Judicial Magistrate 1st Class, Gopalganj in connection with Barauli P.S. Case No. 71 of 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.

The application stands disposed of accordingly.

(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'.

