

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2613 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- KHUDAGANJ District- Nalanda

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Ashok Yadav S/o Shivilal Yadav @ Shivilal Singh R/o Village- Takiyapur, P.S.-
Khudaganj, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Khudaganj P.S. Case No. 18 of 2021 registered for the offence
under Sections 341, 323, 307, 325, 379, 504 and 34 of the
Indian Penal Code.



The accused/petitioner is named in the F.I.R. and is in custody since 25.10.2021.

The allegation against the petitioner is to assault the informant/injured alongwith other co-accused persons, equipped with deadly weapons, with intention to cause death for land dispute.

Learned counsel appearing on behalf of the petitioner submitted that both the parties are agnets, living together and occurrence is a free fight, which is founded over land dispute between the parties. It is submitted that maximum of injuries was found on the non-vital part of the body of the injured and that too was simple in nature, negating the intention of petitioner to cause death. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that from bare perusal of the injury report, it is appearing non-convincing that how it has been mentioned grievous in nature.

Considering the facts and circumstances as mentioned above, as the nature of injuries negating the intention to cause



death coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khudaganj P.S. Case No. 18 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda at Biharsharif/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Navlesh Kumar, who is the bhanja of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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