

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14410 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- KARPI District- Jehanabad

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BASANT YADAV, S/O LATE NAGU YADAV R/o village- Mangabigha,
P.S.- Banshi, District- Arwal

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 20-07-2022 A Supplementary Affidavit has been filed on behalf

of the petitioner across the Board.

Let it be taken on record.

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Karpi

P.S. Case No. 238 of 2021, registered for the offences

punishable under Sections 147, 149, 307, 323, 324, 341,



379, 504 and 506 of the Indian Penal Code.

As per allegation, the petitioner along with his associates assaulted the informant and his family members with iron rod, *farsa* and *lathi* etc., causing injuries to them.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is a case and counter case between the parties. The counter case has been lodged by the wife of the petitioner, bearing, Karpi P.S. Case No. 240 of 2021. He also submits that as per the injury report, the alleged injuries are simple in nature. He has further submitted that both the parties are co-villagers and there is admitted land dispute between them.

The petitioner is languishing in jail since 09.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in three more cases



namely, Banshi P.S. Case No. 42 of 2019, Banshi P.S. Case No. 07 of 2019 and Banshi P.S. Case No. 21 of 2018, but in all these cases, he is on bail.

However, the learned APP for the State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, particularly, the case and counter case as well as the nature of the injury, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IV, Arwal, District - Arwal in connection with Karpi P.S. Case No. 238 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office



objections.

(Jitendra Kumar, J)

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