

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16117 of 2022

Arising Out of PS. Case No.-433 Year-2021 Thana- NAUTAN District- West Champaran

NANDU YADAV Son of Bhrigun Yadav @ Bhargun Yadav Resident of
village - Bharti Tola, P.S.- Nautan, District - West Champaran. ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 341, 323, 302, 447, 504, 506 of IPC.

The prosecution case, in short, is that the informant namely Pramod Yadav has given written petition before the S.H.O. Nautan P.S. alleging therein that on 15.11.2021 at about 5 'O' clock evening when he was at his door, all the FIR named accused persons came there and started abusing him and told to give them the land situated at the good side. It has been further alleged that petitioner put Ajay Kumar down on earth, in the meantime informants' wife came there to save him with one and



half year old baby in her lap. It has been further alleged that accused Bhrigun Yadav snatched the baby from the lap of wife of the informant and slammed the baby on ground and due to that baby was died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR that the allegation, as alleged in the FIR, against the petitioner is that he thrashed Ajay Kumar the son of the informant and except that there is no any overt-act alleged against the petitioner. Further submits that the specific allegation against co-accused Bhrigun Yadav is that he slammed the child on the ground, as a result, one and half year old child of the informant, namely, Kishore Kumar died on the spot. There is admitted land dispute between the parties and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nautan P.S. Case No.433 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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