

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21099 of 2022

Arising Out of PS. Case No.-321 Year-2020 Thana- SHAMBHUGANJ District- Banka

Bhuneshwar Yadav @ Bhubneshwar Yadav Son Of Mahabir Yadav @ Mahabir Prasad Yadav R/O Village- Barbitta, P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-09-2022 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 Mr. Rajesh Kumar Singh, learned senior counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 147, 148, 149, 307, 325, 504, 506, 302 of the Indian Penal Code and under Section 27 of the Arms Act.

The petitioners and his associates are said to have assaulted the informant and his family members with deadly weapon resulting injury and injured Devendra Singh died during his treatment in J.L.N.M.C.H., Bhagalpur.



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 there is case and counter case and both the parties are agnates to each other. Further submits that in fact the place of occurrence was in the field of the petitioner and the allegation against the petitioner is that he armed with Iron rod assaulted Devendra Yadav on his head. The learned counsel for the petitioner further submits that for the same occurrence the nephew of the petitioner instituted an FIR against the informant and his family members, it has come during investigation that the place of occurrence was the field of petitioner. There was free fight between the parties and the family members of the petitioner have also received grievous injuries. The family members of the informant took the law into their hands came to the land of the petitioner. Petitioner used his right to self defence, the individual is entitled to protect himself and his property. Further submits that there was no intention to kill the brother of the informant, and the police, after investigation, submitted the charge sheet against the petitioner and the petitioner is in custody since 13.08.2021.



Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner but fairly submits that the place of occurrence is the field of the petitioner.

Considering the aforesaid facts and period of custody, 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 Shambhuganj P.S.Case No.321 of 2020 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.

(3) 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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