

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21709 of 2022

Arising Out of PS. Case No.-77 Year-2020 Thana- CHANPATIA District- West Champaran

DINESH YADAV Son of Mukhlal Yadav Resident of Village - Pakadihar,
Kurwa Mathia, P.s.- Chanpatia (Kumarbagh O.P.), Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Chanpatia (Kumarbagh O.P.) P.S. Case No. 77/2020 registered
for the offences punishable under Sections 341, 323, 324, 307,
504, 506 and 34 of the Indian Penal Code.

As per prosecution case, when the informant went
to his field, saw that the accused persons are assaulting his
brother and co-accused Lalbabu Yadav assaulted him by means
lathi and iron rod causing him head injury and it is also alleged
that the petitioner assaulted on the back part of informant by
means of Spade.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and he has falsely been implicated in this case due to land dispute. The present FIR is nothing but counter blast to the case filed by the petitioner's side i.e. Chanpatia P.S. Case No. 76/2022 lodged by the brother of the informant. The petitioner is in custody since 12.01.2022 petitioner bears no criminal antecedent. Similarly situated co-accused has been granted bail by this Court vide Cr. Misc. No. 27151/2021. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia (Kumarbagh O.P.) Case No. 77/2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother



or sister or brother or wife or the person who sworn the affidavit
in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates would be a ground for cancellation of bail by the learned
Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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