

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22174 of 2022

Arising Out of PS. Case No.-229 Year-2020 Thana- SURYAGARHA District- Lakhisarai

MANOJ YADAV Son of Late Banarsi Yadav Resident of Village - Nista, P.S.
- Surajgarha, District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Choubey

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2022 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
Surajgarha P.S. Case No. 229 of 2020 registered for the offences
punishable under Sections 147, 341, 323, 379, 307, 504 and 506
of the I.P.C.

As per prosecution case, petitioner and others
started to assault the brother of the informant with bricks and
stones on his head after pushing him on the ground. Manoj
Yadav (petitioner) assaulted upon head of the mother of the
informant causing serious injury as a result thereof she fell
down.



Learned counsel for the petitioner submits that petitioner is in custody since 15.01.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that the present prosecution case is the counter blast of complaint case no. 426C/2020 filed by the wife of the petitioner in the court of C.J.M., Lakhisarai against the informant. The occurrence took place on 02.12.2020 but the F.I.R. was lodged on 07.12.2020 there is an inordinate delay of five days whereas the police station is two kilometer far away from the place of occurrence. The injury report shows that the injury is simple in nature.

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

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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 C.J.M., Lakhisarai in connection with Surajgarha P.S. Case No. 229 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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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