

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26410 of 2022

Arising Out of PS. Case No.-520 Year-2021 Thana- JOGAPATTI District- West Champaran

ANIL KUMAR @ ANIL KUMAR PRASAD Son of Late Gopalji Prasad
Resident of Village - Bagahi, Tola Khanua, P.S.- Yogapatti, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar
For the Informant	:	Mr.Anant Kumar Mishra
For the State	:	Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-07-2022 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, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with
Yogapatti P.S. Case No. 520 of 2021 registered for the offences
punishable under Sections 341, 323, 327, 354(b), 379, 452, 427,
504, 34 of the Indian Penal Code.

As per prosecution case, the petitioner is alleged to
have assaulted the informant with fist and slap and also torn the
clothes of the informant. It is further alleged that petitioner
along with other accused entered into the house of informant
and took away Rs. 50000/- and jewellery worth Rs. 75,000/-.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case on account of land dispute between the parties. Petitioner and informant are agnates. Title suit bearing T.S. No. 238/2021 is pending between the parties before the court below in connection with disputed land. Petitioner is in custody since 24.12.2021 and bears criminal antecedent of three cases and all the cases have been lodged at the instance of present informant and his relatives. Charge sheet has already been submitted and accordingly, cognizance has been taken against the present petitioner and as such there is no likelihood of tampering the evidence.

The learned counsel for the informant and learned A.P.P. for the State oppose the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence, cognizance has also been taken 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
Yogapatti P.S. Case No. 520 of 2021, 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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