

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26732 of 2022

Arising Out of PS. Case No.-169 Year-2020 Thana- LAXMIPUR District- Jamui

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TAPESHWAR YADAV Son of Late Shiv Yadav @ Shibu Yadav Resident of
Village - Magrar Tola (chauraha), P.s.- Laxmipur, Distt.- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 447, 147, 148,
149, 323, 324, 307, 504, 506, 188, 269 and 270 of the Indian
Penal Code and 27 of the Arms Act, in connection with Session
Trial No. 196 of 2021 arising out of Laxmipur P.S. Case No. 169
of 2020.

As per the FIR, the allegation against the accused
persons is/are that while the informant and his family members
were sleeping in their home, the accused persons barged into
their house and assaulted the family members.

So far as this petitioner is concerned, it is alleged



that he gave 'sword' blow to Mithilesh Yadav on his head and the informant's father Santoshi Yadav's hand resulting into bleeding to the injured persons.

Learned counsel for the petitioner submits that due to land dispute, there was 'mar-pit' between the parties and on perusal of the FIR, it transpires that the same is exaggerated inasmuch as, everyone has been assigned one or the other role. He submits that he is in custody since 8.3.2021 (as stated in para-12 of the bail application). It is his further submission that if granted bail, he is ready to abide by all terms and conditions put on him.

Considering the period of custody of the petitioner, the charge-sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-3, Jamui, in connection with Session Trial No. 196 of 2021 arising out of Laxmipur P.S. Case No. 169 of 2020 subject to the following conditions:

- (i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month till conclusion of the trial to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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