

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27375 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- JAYRAMPUR District- Sheikhpura

Sadhu Yadav @ Surendra Yadav S/o Yugeshwar Yadav @ Jugeshvar Yadav
R/o village- Toyagarh, P.S.- Jairampur, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vagisha Pragya Vacaknavi, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Jayrampur P.S. Case No. 41 of 2021 (G.R. No.1253 of 2021),
lodged under Sections 147, 148, 149, 341, 323, 324, 325, 307,
504, 506 of the Indian Penal Code read with Section 27 of Arms
Act.

The allegation made in the F.I.R. is relating to an
occurrence took place on 22.10.2021 at about 10.30 a.m.
According to the informant one Rahul Kumar started abusing to
the informant on his phone, upon complaint the named accused
persons have reached at the house of informant with *Lathi*,

Danda, Khanti, Axe, Rod etc. It has been alleged that the head injury was caused by Rahul Kumar upon the head of informant's brother. The further allegation is upon the present petitioner to injured the head of informant's brother by Axe. The allegation upon Rajendra Yadav is to assault Ram Shankar Yadav.

Learned counsel for the petitioner submits that the event as shown in the present F.I.R. is not correct, the correct event is Annexure-3 which has taken place on the same date but at about 10.00 a.m. when the informant's side have attacked on the petitioner's side and snatched his Rs.1,15,000/- which he had collected after selling of his Buffalo. Learned counsel for the petitioner further submits that there is a case and counter case which is annexed as Annexure-P2 and P3 for the same date and place of occurrence. He further submits that petitioner is in custody since 16.04.2022, having clean antecedent and charge sheet has already been filed in this case. He has annexed Annexure-P4 showing that the other parties have been granted anticipatory bail at the level of District and Sessions Judge, Sheikhpura itself. He further submits that injury has took place to both the sides.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is a direct allegation against the present petitioner to attack on the head of the injured.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Sheikhpura in connection with Jayrampur P.S. Case No. 41 of 2021 (G.R. No. 1253/2021), subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With these observations, the bail application stands allowed.

(Dr. Anshuman, J.)

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