

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30194 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- DELHA District- Gaya

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SANDEEP YAADAV @ SANDEEP KUMAR SON OF LATE NAND
KISHORE YADAV @ NANDKISHORE YADAV RESIDENT OF
VILLAGE- CHHOTKI DELHA , P.S- DELHA , DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Raj Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2022 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 Delha
P.S. Case No. 43 of 2021 registered for the offences punishable
under Sections 147, 148, 149, 323, 324, 307, 379, 447, 448, 506
of the Indian Penal Code.

As per prosecution case, on 17.02.2021 petitioner
and others holding lathi and danda entered into the house of the
informant, abused and assaulted due to which informant's sister



Munni Kumari badly injured. When informant's cousin Sanjay Yadav and sister-in-law came for rescue, petitioner and others assaulted them on head due to which they sustained injury on their head.

Learned counsel for the petitioner submits that petitioner is in custody since 16.03.2022 and bears no criminal antecedent. He further submits that the present case is counter blast of Delha P.S. Case No. 36 of 2021 which has been instituted under Sections 307 and 379 of the IPC. There is no specific allegation against the petitioner. The date of occurrence as per first information report is 17.02.2021 and the fardbeyan of informant has been recorded on 24.02.2021 after delay of seven days and the entire delay has not been explained either by the informant for lodging the FIR or the police has also not explained that why the FIR has been sent in the court after eight days of institution of the FIR. He further submits that both parties assaulted to each other and for the occurrence of 17.02.2021. the petitioner's side lodged case on 19.02.2021 i.e. Delha P.S. Case No. 36 of 2021 and prosecution has given his fardbeyan after six days of the occurrence i.e. on 24.02.2021. It has been submitted that on perusal of entire prosecution case absolutely no offence under Section 307 of the IPC is made out



and other sections are ornamental in nature. He further submits that all the injuries are simple in nature except injury of Munni Kumari which is on the right side of rib as mentioned in the impugned order.

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 Judicial Magistrate, 1st Class, Gaya in connection with Delha P.S. Case No. 43 of 2021, 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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