

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40316 of 2021

Arising Out of PS. Case No.-829 Year-2018 Thana- TURKAULIYA District- East
Champaran

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Chandra Kishore Yadav, Son of Late Ramchandra Prasad Resident of Village -
Chitaha, P.S. - Banjaria, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Adv.
For the State	:	Mr. Suman Kumari Singh, APP
For the informant	:	Mr. Sunil Kumar No.III, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

Petitioner who is in custody since 19.03.2021 seeks
bail in connection with Turkauliya (Banjaria) P.S. Case No.829
of 2018 registered for the offence punishable under Sections
341, 323, 307, 379, 504 and 506/34 of the IPC.

Prosecution case in brief, is that at about 5.00 PM
the informant Jata Shankar Dwivedi was talking with his brother



Vinod Kumar Dwivedi with respect of harvesting of paddy crops, in the meantime accused persons assaulted the informant with *Mungari* and other lethal weapons.

Learned counsel appearing on behalf of the petitioner submits that admittedly there is previous enmity and due to grudge the name of the petitioner has been taken in the present case, although the petitioner has criminal cases pending against him, but in all these case has either been acquitted or on bail. There is no allegation of overt act against the petitioner.

Learned APP for the State as well as learned counsel for the informant opposes the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case as well as previous enmity between the informant and the petitioner, there being no allegation of any overt act, the allegation of assault is against one co-accused, Mahendra Yadav, the petitioner above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari (East Champaran) in connection with Turkauliya (Banjaria) P.S. Case No.829 of 2018, subject to the following conditions:



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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