

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41307 of 2021

Arising Out of PS. Case No.-289 Year-2020 Thana- MANIGACHI District- Darbhanga

LALIT YADAV, Son of Rajaram Yadav, Resident of Village- Katma, P.S.-
Manigachi, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Adarsh Singh, Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Ms. Pushpa Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 13-04-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Pushpa Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Manigachi P.S. Case No. 289 of 2020 registered for the offences punishable under Sections 341, 342, 323, 325, 307, 354B, 504, 506/34 of the Indian Penal Code. He has no criminal antecedent and is in custody since 18.02.2021.

Learned counsel for the petitioner submits that in the First Information Report there is an allegation that this petitioner had pulled down the wife of the informant and had



torn her Saree whereupon the nephew of the informant intervened and tried to save the wife of the informant. It is further alleged that the nephew of the informant was assaulted by this petitioner using a Farsa and the blow was given on the head of said Ghanshyam.

Learned counsel for the petitioner submits that there was a counter case which was lodged by co-accused Raja Ram Yadav giving to Manigachi P.S. Case No. 285 of 2020 and that case was lodged prior to lodging of the present F.I.R.

It is, thus, his submission that this case is a counterblast of the first case and has been lodged with a delay of more than delay 26 hours.

As regards the injury allegedly caused to Ghanshyam it is submitted that no such injury has been noticed by the Doctor.

On the last date, this Court had specifically instructed the I.O. to make available the case diary with complete injury report and the opinion as to nature of the injury caused to said Ghanshyam.

Today, Mrs. Pushpa Sinha, learned A.P.P. for the State has informed this Court that no material showing that the injured Ghanshyam was taken to I.G.I.M.S. could be found. It



is, however, submitted that Ghanshyam was taken to Darbhanga Medical College and Hospital at first instance where he could not be treated and then he was referred to higher centre I.G.I.M.S., Patna. Now there is no material to show that he was treated at I.G.I.M.S.

Having regard to the submissions and the materials showing that there is no injury report of the injured Ghanshyam who was allegedly assaulted by this petitioner and now a stand is being taken that Ghanshyam was not taken to I.G.I.M.S. and further finding that the petitioner has remained in jail in connection with this case for over one year, investigation against him is complete, there is a case and counter case as well and delay is also there in lodging of the F.I.R., this Court directs that 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 A.C.J.M. Vth, Darbhanga in connection with Manigachi P.S. Case No. 289 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

