

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43074 of 2021**

Arising Out of PS. Case No.-146 Year-2021 Thana- GOGRI District- Khagaria

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MANOJ YADAV S/O LATE JAGDISH YADAV R/O VILLAGE-BADI
POKHAR, BHURIYA TARI, WARD NO. 15, P.S-GOGRI, DISTRICT-
KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 05.06.2021, seeks
regular bail in connection with Gogri P.S. Case No. 146 of 2021
registered for offences punishable under Sections 324, 307, 385
and 387/34 of the Indian Penal Code.

Prosecution case, in brief, is that the informant has
taken ten thousand rupees from the petitioner on mortgage in the
year 2015. It is alleged that petitioner demanded two lacs rupees
and upon protest, petitioner along with two unknown persons



has brutally assaulted the son of the informant due to which he sustained injury.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The alleged demand of rupees two lacs or the allegation of assault committed by him is not sustainable in the eye of law as the dispute relates to redemption of money on account of delivery of land which is purely a civil dispute and as such the petitioner, who is in custody since 05.06.2021 be released on bail.

Learned A.P.P. for the state has opposed the prayer for grant of bail to the petitioner. He submits that there is direct allegation against the petitioner that he has brutally assaulted the son of the informant. However, the injury sustained by him, as opined by the doctor, is simple in nature caused by hard and blunt substance.

Considering the above mentioned facts and circumstances of the case, period of custody of the petitioner, admittedly, there is dispute relating to redemption of money with respect to the mortgage land, in course of demand of the said money, out of spur of the moment, the petitioner has assaulted the son of the informant, petitioner has clean



antecedent, there is no allegation of tampering the evidence or influencing the witnesses as well as trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 146 of 2021 subject to the following conditions:

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

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

(iii) 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)

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