

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32273 of 2022

Arising Out of PS. Case No.-3 Year-2021 Thana- BHADHWAR District- Gaya

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Nagina Yadav @ Nagina Kumar Son of Jeevlal Yadav @ Shivilala Yadav
Resident of Village - Hadhi, P.S.- Bhadwar, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Ritwik Thakur, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Bhadwar P.S. Case No. 03 of 2021 registered for the offences
under Sections 147, 148, 149, 323, 341, 342, 458, 386, 387,
307, 504 and 506 of the Indian Penal Code.

As per the main allegation, the present petitioner and
co-accused persons came at the roof of informant's house at
night and asked the informant about the reason of not paying
levy of brick kiln to them and then the informant, his



grandfather, uncle and cousin brothers resisted the act of the accused persons and thereafter the accused persons forcefully took the said family members of the informant inside a forest and in the meantime the villagers of the informant gathered and then the co-accused persons fled away leaving the informant and his other relatives in injured condition.

The main submissions advanced by the learned counsel Mr. Ajay Kumar Thakur for the petitioner are that in the instant case no one sustained injury and in the order of the Court below any type of injury to the so-called injured persons has not been discussed, the informant and the petitioner and his relatives are related to each other and in between them a land dispute is running and the petitioner is a student and he has just passed Intermediate examination and he has been languishing in jail since 17th March, 2022. Further submission is that against the petitioner there are criminal antecedents of two cases and in one case he had been remanded after filing of this criminal miscellaneous petition due to which details of the said criminal antecedent case has not been mentioned in the petitioner's petition and now by filing a counter-affidavit the said incident has been explained and the hard copy of the supplementary affidavit is filed before this Court.



Learned APP Mr. Jitendra Kumar Singh appearing for the State has opposed the bail prayer.

Hard copy of supplementary affidavit filed during the course of hearing be kept on record.

In view of the above submissions and considering the petitioner's young age and his education, carrier and the custody period and the land dispute running in between both the parties which has been discussed at Paragraph No.11 of the petition, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bhadwar P.S. Case No. 03 of 2021, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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