

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 42986 of 2021**

Arising Out of PS. Case No.-73 Year-2020 Thana- SANGRAMPUR District- Munger

MITHUN YADAV S/O BINODI YADAV @ BINOD YADAV R/O
VILLAGE-SANGRAMPUR, P.S- SANGRAMPUR, DISTRICT-MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Indu Bhushan, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 12-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Sangrampur Police Station (for brevity, *PS*) Case No 73 of 2020 dated 16.04.2020 instituted for the offence punishable under Sections 147, 148, 149, 448, 427, 323, 324, 307, 379, 504, 506 of Indian Penal Code.

The petitioner had earlier moved for grant of bail in Cr Misc No 470 of 2021 which was rejected by this Court on 08.03.2021. Having moved the Court of Sessions Judge, Munger, the petitioner has faced rejection of his prayer for bail under order dated 02.07.2021 and has, therefore, renewed his prayer for bail before this Court.

Since 18.08.2020, petitioner is in custody on



allegation of inflicting *Tengari* blow on head of the victim (Shankar Jha).

Learned counsel for the petitioner submits that the petitioner bears a clean past. Allegation is based on land dispute.

In the circumstances, this Court had called for a report from the trial Court regarding the stage of trial. It is reported by the Court of Judicial Magistrate, 01st Class, Munger in its report dated 18.12.2021 that the case of the petitioner and Libra Yadav @ Rajesh Yadav has been committed on 16.12.2021 and investigation against rest of the accused is going on.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Munger in Sangrampur PS Case No 73 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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