

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34673 of 2022

Arising Out of PS. Case No.-582 Year-2021 Thana- CHANPATIA District- West Champaran

Vikash Yadav, S/O Baiju Yadav, Resident of Village- Senwariya, P.S.-
Chanpatiya (Sirisiya O.P) District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chanpatiya (Sirisiya) P.S. Case No. 582 of 2021 registered for the alleged offences under Sections 307, 341, 342, 323, 324, 379 and 504 of the Indian Penal Code.

As per prosecution case, the informant was assaulted by the petitioner and a number of co-accused persons in the background of dispute over cutting leaves of sugarcane in the land of the informant. Allegation against the petitioner is that he gave *farsa* blow on the head of the informant.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. From the perusal of the FIR, it appears that though occurrence is stated to have taken place on 09.11.2021 and Fardbeyan was recorded on the same day, but the FIR has been lodged on 25.11.2021 i.e. after delay of about 15 days for which there is no explanation. This also shows deliberation and after thought. The allegation of assault is against ten FIR named persons and it is mostly general and omnibus. But the injuries received by the informant are simple in nature as opined by the doctor in the injury report. For the same occurrence, Chanpatiya (Sirisiya) 583 of 2021 has been lodged by the aunt of the petitioner under various sections of IPC against the prosecution party. Even if the allegations are taken to be true there is no repetition of blow or intervening circumstances so no offence under Section 307 of IPC would be made out against the petitioner. The petitioner is in custody since 04.04.2022 and charge-sheet has been submitted. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail submitting that the specific allegation against the petitioner that he gave *farsa* blow on the head of the informant and one incised wound has been found on the head of the informant.



Having regard to the submissions made hereinabove and considering the simple nature of injuries, one of which is stated to be caused by this petitioner, and further considering the submission of charge-sheet and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatiya (Sirisiya) P.S. Case No. 582 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Bhuti Yadav, cousin of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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