

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35148 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Rakesh Yadav S/O Rambali Yadav R/o village- Koreya, P.S.- Vijaipur,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bijaipur P.S. Case No. 265 of 2021 lodged under Sections 147,
148, 149, 323, 324, 326, 307, 302 of the I.P.C.

As per the allegation of the prosecution, there are 19
named accused persons collectively started ploughing the field
of the informant. The informant opposed as to why they are
ploughing his ancestral field on which they all attacked on the
informant's side. The specific allegation against the petitioner
Rakesh Yadav is that he along with Angad Vishwakarma started
assaulting Jagdamba Pandey by knife.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. Admittedly, there are land dispute in this case. The death of nephew of the informant took place. There is no allegation against the present petitioner to assault the nephew of the informant. Learned counsel for the petitioner submits that Annexure-2 is the injury report of Jagdamba Pandey. From the injury, it transpires that all the injuries are caused by hard and blunt substances. Learned counsel for the petitioner further submits that petitioner is in custody since 21.03.2022, charge sheet has already been filed in this case. On the point of his criminal antecedent, learned counsel for the petitioner submits that in all cases, he is on bail and ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the informant appeared and vehemently opposes the prayer for bail. He specifically submits that charge has already been framed, prosecution witness is going on and as per his knowledge almost all prosecution witnesses except a few has been examined.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Judicial Magistrate, 1st class,

Gopalganj Sri Anup Kumar Upadhaya in connection with Bijaipur P.S. Case No. 265 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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