

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35987 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- AANDAR District- Siwan

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Dimpal Yadav Son Of Umesh Yadav R/O Village- Sultanpur, Dahabadi, P.S.-
Andar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2022 Let the defect(s), 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
Andar P.S. Case No. 77 of 2021 lodged under Sections 147, 148,
149, 341, 323, 324, 448, 307, 302 of the I.P.C.

As per the prosecution case, there are 8 named
accused persons in the F.I.R. The specific allegation against 2
persons to assault deceased by *lathi*, i.e., Dimpal Yadav
(petitioner) and Pradeep Yadav.

Learned counsel for the petitioner submits that the
injury as alleged in the F.I.R. is not supported the injury as there
in the post-mortem report. He further submits that petitioner is

in custody since 26.12.2021 having clean antecedent, charge sheet has already been filed in this case. He further submits that the Co-ordinate Bench of this Court has pleased to grant anticipatory bail to the exactly similarly situated person Pradeep Yadav vide order dated 26.07.2022 passed in Cr. Misc. No. 69789 of 2021. Learned counsel for the petitioner submits that in the said case, case diary has been called for in which post-mortem report was there and the Hon'ble Single Judge has categorically given his finding that the injury as shown in the post-mortem and the mode of injury as indicated in the F.I.R. are not supporting to each other and in contradiction. And on this ground, the anticipatory bail was granted.

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 Additional Chief Judicial Magistrate-IVth, Siwan in connection with Andar P.S. Case No. 77 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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