

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38065 of 2022**

Arising Out of PS. Case No.-325 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Kaushal Kumar @ Kaushal Kumar Yadaw Son Of Sri Ramesh Choudhary
R/O Village- Lakri Dargah, P.S.- Barhariya, Distt.- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-09-2022 Heard Mr. Ajay Kumar Thakur, learned Senior

Counsel for the petitioner and the State as also learned counsel

for the informant.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with Gopalganj P.S. Case No. 325 of 2020 for the offences

under Section 364/34 of the Indian Penal Code.

As per the prosecution story, on 6.6.2020, informant's

younger brother and his friend went to see the 'raiyaati' land

situated at Banjari and in the meantime four to five named

accuseds came and abducted his younger brother and his friend.

Accordingly, the FIR was lodged with prayer to release them.



Learned Senior Counsel submits that the matter relates to land dispute of the petitioner's family who owns land. Further they have succeeded in title suit but was regularly objected by informant's family which led to certain 'marpit' which has been exaggerated to implicate the accused persons including the petitioner herein. He submits that the petitioner has already suffered by being in custody since 30.4.2022. It is his further submission that being a co-villager irrespective of the result of this case, he is ready to pay Rs. 25,000/- to the informant through Demand Draft issued by the State Bank of India, local branch to be submitted before the learned Trial Court and will be released in favour of the informant after checking his credentials (Aadhar Card, Voter I.D. Card etc.).

Learned counsel for the informant, on the other hand, submits that the petitioner was one of the main accused who assaulted the injured person causing injury to him which also reflects from the order passed by the learned Sessions Judge.

Be that as it may, he is in custody since 30.4.2022, charge-sheet stands submitted, the matter relates to land dispute, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 25,000/- to the informant as narrated above with strict conditions in view of the fact that he has criminal



antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj P.S. Case No. 325 of 2020 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall leave the district of Gopalganj for a period of two month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (of his residence) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

U		T	
---	--	---	--

