

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40452 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- KATORIYA District- Banka

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Paitram Yadav @ Paitram Kumar Yadav S/O Wakil Yadav, Resident of
village- Barakola, P.S.- Katoriya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Advocate

For the Opposite Party/s : Mr.Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Katoriya P.S. Case no.218 of 2021 instituted under
Sections 341, 323, 337, 338, 307, 379, 504, 506 and 34 of the
Indian Penal Code.

As per the prosecution story, the petitioner and other
accused persons have assaulted the informant's side as a result
of which he fell down on the ground whereafter all the accused
persons gave '*lathi*' blow. As a result, he became unconscious
and it is his further allegation that when he regained
consciousness, his gold chain was missing.



Learned counsel for the petitioner submits that there is case and counter case in which both side have inflicted injuries. However he submits that without going into the merit of the case and/or the outcome of the present bail application, on instruction, the petitioner side is ready to pay a sum of Rs.25,000/- towards the treatment of the informant's side as also Rs.5000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local Branch of State Bank of India.

Learned APP on the other hand submits that the nature of allegation that has come up against the petitioner as also the injury inflicted, the petitioner does not deserve bail.

Taking into account the fact that omnibus allegation has been made against all the accused persons including the petitioner herein on the assault on the informant's side, he is in custody since 26.05.2022 (as incorporated in the order of the learned Sessions Judge), charge-sheet stands submitted, this Court is inclined to grant him privilege of bail subject to payment of Rs.25,000/- to the informant's side as also Rs.5000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local Branch of State Bank of India. The Demand Draft related to the informant shall be submitted



before the learned Trial court who shall provide the same to the informant's side after checking his credentials through the Government issued document (Aadhar, Voter I.D.)

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Katoriya P.S. Case no.218 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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 the bail bonds;



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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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