

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43241 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MEHANDIGANJ District- Patna

Sashi Bhushan Yadav @ Shashi Bhushan Kumar S/O Binod Yadav @ Binod Prasad Resident of village- East Dhawalpura, P.S.- Bypass, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

For the Opposite Party/s : Mr .Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 147, 148,
323, 341, 354, 307, 504 and 506 of Indian Penal Code.

According to Prosecution, on 25.01.2022, informant
along with her husband was going to Hilsa by motorcycle, when
she passed from S.K. Puri Petrol Pump then Shashi Yadav and
5-6 unknown miscreants surrounded the motorcycle of informant
and started abusing and assaulting the husband of informant and
they pulled the informant from motorcycle and slammed the
informant on road with a view to rob the honour of the
informant. On alarm they assaulted on the head of husband of
informant by pistol butt. On hulla some people came, after



seeing this accused persons took out mobile and gold chain from the possession of informant and also took out Rs. 5000/- from the possession of husband of the informant.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is brother-in-law of the informant and the present case has been filed in retaliation of the Gopalpur P.S. Case No. 54 of 2015 filed by the mother-in-law of the informant against the husband and brother of the informant. He further submits that it appears from the FIR that there is no case made out under Section 307 of the I.P.C. There is specific allegation that the petitioner has assaulted with the butt of the revolver to the informant, there is no intention to kill the informant and there is admitted land dispute between the parties.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection Mehandiganj P.S. Case No. 18 of 2022,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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