

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42175 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- MAINATAND District- West Champaran

Kapil Yadav Son of Late Gauri Yadav Resident of Village - Baudhbarwa, P.S.-
Mainatand, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-11-2022 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 as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Mainatand P.S. Case No. 152 of 2021, lodged under Sections
341, 323, 324, 325, 326 & 307 of the Indian Penal Code.

As per prosecution case, the specific allegation
against the petitioner is that he has attacked on the informant's
face and head and has broken the jaw of informant. Allegation
against the petitioner was also to make knife blow upon right
chick and also to broke right wrist of informant.

Learned counsel for the petitioner submits that
petitioner is a man of clean antecedent. He further submits that
petitioner is in custody since 01.04.2022. He also submits that
informant and petitioner both are the adjacent neighbours and
on pity issue the present dispute has arisen.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that from the injury report, it is categorically come that the jaw were broken and specific allegation is against the petitioner.

Upon specific query that whether charge has been framed in this case or not, learned counsel for the petitioner submits that charge has not been framed till date.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present. However the petitioner is at liberty to move for bail after two months of framing of charge.

The Trial Court is directed to release the petitioner on bail after two months of framing of charge imposing its own conditions, so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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