

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53072 of 2021

Arising Out of PS. Case No.-209 Year-2021 Thana- SURSAND District- Sitamarhi

GUDDU YADAV S/o- RAM GYAN YADAV Resident of Village- Maruki,
P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sursand P.S. Case No. 209 of 2021 registered for the offence under Sections 341, 323, 324, 325, 308, 379, 504, 506/34 of the Indian Penal Code.

In the background of a land dispute, the informant and others are subjected to assault by iron road by the F.I. R named accused persons.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, 26 persons including the petitioner have been named in the F.I.R. with general and omnibus allegation. The F.I.R. itself suggest that informant has been assaulted by the petitioner with iron rod, but the injury report does not support the prosecution version. It is also apparent from the F.I.R. that the entire prosecution is based upon a dispute with regard to a piece of land on account of which altercation took place between the parties for which the present case and counter case being Sursand P.S. Case No. 210 of 2021 has been lodged by the parties. The petitioner is rotting in judicial custody since 31.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Pupari Sitamarhi in connection with Sursand P.S. Case No. 209 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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