

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53613 of 2021**

Arising Out of PS. Case No.-127 Year-2020 Thana- HUSSAINGANJ District-
Siwan

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Dhananjay Yadav Son Of Shyamdev Yadav Resident Of Village- Balli Tola
Hatawa, P.S- Hussainganj, Dist- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajendra Kumar Jain, Advocate
For the Informant : Mr. Prashant Kumar, Advocate
For the State : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2022 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, learned counsel for the informant as well as learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 341, 323, 307, 379, 448, 504 and 506 of the Indian Penal Code.

As per prosecution case, it has been alleged by the informant Pappu Yadav that while he was sitting at his house, accused persons came and started abusing and told him to remove soil from Government Road. Accused Dhananjay Yadav then assaulted the informant by iron rod on the head causing



injury and fell down and the accused persons also assaulted the family members of the informant with lathi, bricks and snatched Rs. 5000/- from his pocket.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that that allegation as per F.I.R. against the petitioner that he assaulted the informant with iron rod causing injury to the informant. He further submits that the present case is a counter blast of Hussainganj P.S. Case No. 128 of 2020 which was filed by the family members of the petitioner. Further submits that the occurrence took place due to some dispute over lifting of earth and there is no motive of the petitioner for the commission of offences as alleged against him. Further submits that there is no repeated blow against the petitioner and the injury suggests that one injury is simple and another is grievous in nature and police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.07.2021.

Learned counsel for the informant as well as learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hussainganj P.S. Case No. 127 of 2020, 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 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 witness, 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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