

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44382 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- BALIYA District- Begusarai

Phulchand Yadav@ Phulchandra Yadav@ Phulchan Yadav, Son of Jalendra
Yadav, Resident of Village - Bari Ballia, Siraja, P.s.- Ballia, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Ballia P.S. Case No. 135 of 2022 registered for the alleged offences under Sections 147, 149, 341, 323, 308, 379 and 504 of Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons came to the doors of the informant and abused him. The co-accused hit the informant with the butt of the pistol on his head. When the father of the informant tried to save him he was also assaulted with bricks and *lathi*. The allegation against this petitioner is that he took away Rs. 10,000/- from the pocket of the informant.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The FIR has been registered after delay of two days for which there is no explanation. Specific allegation of assault is against co-accused Hemant Yadav and the informant sustained injury due to fracture of right parietal bone. There is no specific allegation of assault against this petitioner and only allegation is that of snatching of Rs. 10,000/- from the pocket of the informant. But the same is only ornamental allegation. Both the parties are agnates and due to previous land dispute the occurrence has taken place. The petitioner is in custody since 29.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of one case.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 135 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of



Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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