

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46256 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- SAHODARA District- West Champaran

Manoj Yadav @ Lorik Yadav Son of Ramchandra Yadav Resident of village -
Bairiya, Ward No. 13, Police Station- Sahodara, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Sahodara P.S. Case No. 74 of 2022 registered for the offences
punishable under Sections 147, 148, 149, 448, 341, 323, 324,
307, 427, 354(b), 504, 506 and 34 of the Indian Penal Code.

As per the prosecution, this petitioner along with
other co-accused persons came at the alleged place armed with
weapons (*farsa*, *bhala* etc.) and over a land dispute this
petitioner assaulted the informant by means of *Farsa* at his
head.



The main submissions advanced by the learned counsel Mr. Raghunandan Kumar Singh appearing for the petitioner are that in the present case two persons are stated to have sustained injuries in the alleged occurrence and as per the FIR the petitioner was alleged to have inflicted *Farsa* blow at the head of the informant but as per informant's injury report no injury was found on the head of the informant and four injuries were found on his person which were opined to be simple in nature and the same were found on non-vital part of his body and informant's brother is also stated to be an injured but the informant did not sustain any type of injury and in this regard a statement has been made in paragraph No.16 of the petition. Further submission is that in respect of the alleged occurrence mentioned in the FIR an other P.S. case bearing Sahodara P.S. Case No. 74 of 2022 was lodged and the prosecution party is in habit of filing many cases against the petitioner and his family and earlier altogether eight cases were lodged by prosecution party against the petitioner and his family members in which final form was given by the police in two cases and out of remaining cases the petitioner has been acquitted in three cases and in the present time only six cases lodged on behalf of the informant's side are pending.



Learned APP Mrs. Nirmala Kumari appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly taking into account the fact that allegation made against the petitioner in the FIR does not get corroboration from the injury report of the informant filed as Annexure-2 as on the head of the informant no injury was found while petitioner was alleged to have inflicted a *Farsa* blow at the head of the informant and the said circumstance goes in favour of the petitioner and also taking into account a land dispute being running in between both the parties and several cases have been lodged against the petitioner and his family members by informant's side, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Sahodara P.S. Case No. 74 of 2022, on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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