

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46937 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- BIHPUR District- Bhagalpur

Yogendra Yadav Son Of Chhote Lal Yadav R/O Village- Narayanpur, P.S.-
Bihpur (BHAWANIPUR O.P.), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Davendra Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, APP
For the Informant :	Mr. Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bihpur (Bhawanipur O.P.) P.S. Case No. 315 of
2022 registered for the alleged offences under Sections 341,
323, 406, 420, 504 and 506 of the Indian Penal Code.

As per prosecution case, the deceased husband of the
informant gave a loan of Rs. 5,00,000/- to the petitioner and the
petitioner executed an agreement with averment that if he would
not return the money his share of land in a plot of land
belonging to the family would be transferred to the husband of



the informant. Other allegation against the petitioner is that when the informant went to demand back the money given to him, he abused and assaulted her and threatened her with life.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the perusal of the F.I.R., it is clear that it is a civil dispute between the parties. The money was taken in 2014 and the document was prepared in 2017 and F.I.R. was lodged in 2022. Learned counsel further submits that in fact the petitioner has not prepared or executed any document in favour of the husband of the informant and the agreement paper is forged and fabricated. The present F.I.R. has been lodged with an intent to grab the land of the petitioner which is situated near a National Highway. The petitioner is in custody since 22.06.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail .

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the predominantly civil nature of dispute between the parties and further considering the clean antecedent of the petitioner along with the period of custody of the petitioner and 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 Additional Chief Judicial Magistrate, 1st Naugachhiya, District-Bhagalpur in connection with Bihpur (Bhawanipur O.P.) P.S. Case No. 315 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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