

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58553 of 2021

Arising Out of PS. Case No.-552 Year-2019 Thana- BARACHATTI District- Gaya

Jageshwar Yadav S/o Late Neman Yadav Resident of Kulahi, P.S.- Mohanpur,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Barachati
(Mohanpur) P.S. Case No. 552 of 2019 registered for the
offences punishable under Sections 341, 323, 337, 338, 307,
379, 504, 506 and 34 of the Indian Penal Code.

According to prosecution case, when the informant
with his family members was sitting in his house, petitioner
along with other accused persons armed with Lathi-Danda,
Bhala, entered his house and abused the informant and also
assaulted him and his father due to partition of ancestral land



dispute. The petitioner also took out Rs. 5,000/- from the pockets of informant's father. Thereafter, accused Munia Devi, Shanti Devi, Kunti Devi, Gauri Devi and Anar Devi started pelting brick-stones on mother of the informant and they run away from the spot.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is the own Gotiya and the injury sustained by the informant and his father is simple in nature. He further submits that due to land dispute the present F.I.R. is instituted against the petitioner. He further submits that similarly situated, co-accused, namely, Kameshwar Yadav and Suresh Yadav have been granted bail by the learned Court below on 09.01.2020 and 19.03.2020 respectively. The petitioner is in custody since 06.03.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Additional



Chief Judicial Magistrate, Shergati, Gaya in connection with
Barachati (Mohanpur) P.S. Case No. 552 of 2019, subject to 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 witnesses, 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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