

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59580 of 2021

Arising Out of PS. Case No.-453 Year-2020 Thana- KATIHAR NAGAR District- Katihar

Mandal Yadav @ Yogendra Yadav S/O- Late Baijnath Yadav R/O-
Mirchaibari Barmasia, P.S. - Katihar Sahayakl, Distt. - Katihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh
For the State	:	Mr. Anita Kumari Singh
For the Informant	:	Mr. Rohit Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 448, 307, 379/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 22.01.2021, charge-sheet has been submitted in this case and has antecedent of six cases.

The learned counsel for the petitioner further submits that the informant alleges that on 30.08.2020, two named accused persons entered his house at 2.30 P.M. and snatched the bag of the informant containing Rs.3,10,000/- and when the informant tried to catch him the accused fired, but missed.



Further the accused after kicking the informant in the stomach.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that informant alleges that two named accused persons including the petitioner entered his house and snatched the bag containing Rs.3,10,000/-. It is submitted that the allegation gives an impression that the accused were not known to the informant. The learned counsel submits that he has specifically pleaded at Para-10 of the bail application that petitioner and father of the informant are maternal brothers and there is a land dispute between the parties regarding the street for which a Panchayati was also held and since then the same dispute is going on between the parties for which the present case is lodged by the informant. The learned counsel submits that the relationship of the petitioner with the informant stands concealed in the F.I.R. This in itself demonstrates that a false case was instituted to falsely implicate the petitioner.

Learned counsel for the informant and learned A.P.P. opposes the bail application and submits that the petitioner has made a false statement on an affidavit in the bail application that petitioner and father of the informant are related to each other. .

Considering the fact that the petitioner is in custody,



charge-sheet has been submitted in this case and taking into consideration the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Katihar Sahayak P. S. Case No.453 of 2020, subject to condition that one of the bailors shall be the wife of the petitioner namely, Lakhi Devi. The petitioner shall be released only after the learned Court below is satisfied that the petitioner and the informant are related to each other.

The application stands allowed.

(Satyavrat Verma, J)

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