

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51007 of 2022

Arising Out of PS. Case No.-269 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

JAYKEE YADAV @ JAYASH KUMAR YADAV Son of Parmatma Yadav
R/V- Lachhu Tola, PS- Ara Muffasil, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Ara
Muffasil P.S. Case No. 269 of 2019 registered for the offences
punishable under Sections 323, 324, 341, 354, 354(B), 379, 456,
506 of the Indian Penal Code.

As per prosecution case, it is alleged that the
petitioner entered into the house of informant and tried to make
physical relation with her and pressed her mouth by pillow. It is
further alleged that when she raised alarm, present petitioner used
Hasua to cut her hand and also tore her blouse. It is also alleged
that the petitioner took away Juitiya worth Rs. 15,000/- and gold



chain worth Rs. 40,000/- from the informant.

Learned counsel for the petitioner submits that petitioner is in custody since 16.06.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner and informant are co-villagers and known to each other. There is a dispute between the parties since long for land and petitioner is falsely implicated in this case due to ulterior motive. Petitioner is innocent and has committed no offence as alleged in the F.I.R. Learned counsel further submits that the injury report shows that all the injuries are simple in nature caused by hard and blunt substance, however, allegation mentioned in the F.I.R. is that the petitioner used Hasua to cut the hand of informant and Hasua is a sharp instrument used in cutting grass, on point of using weapon against the petitioner as alleged in the F.I.R. is totally inconsistent with the weapon shown in injury report which creates serious doubt on the prosecution case and the petitioner has falsely been implicated in this case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been



submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 8th Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 269 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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