

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54360 of 2022**

Arising Out of PS. Case No.-695 Year-2021 Thana- SHERGHATI District- Gaya

Shyamakant Yadav S/o Saryu Yadav Resident of Village- Sherpur, P.S.-
Sherghati, Distt- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter
within two weeks.

Heard learned counsel for the petitioner and Mr. Ajit
Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Sherghati P.S. Case No. 695 of 2021
registered for the offences under Section 341, 323, 324, 325,
147, 149, 307, 504 and 506 of the Indian Penal Code. He is in
custody since 28.06.2022 having no criminal antecedent as
stated in paragraph '3' of the application.

As per the prosecution story, the informant has
alleged that while he along with others were advertising for
election of Ward Member of his wife and reached in the village



Awadhpur Tola then all the accused persons including the petitioner, who were waiting for them armed with Lathi, Danda etc., surrounded them and started abusing and assaulting by means of Farsa, Axe, as a result of which they were sustained injuries.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that it is a case of land dispute and the alleged occurrence took place in which this petitioner has been named along with other 20 named accused and 3-4 unknown.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is submitted that in relation to a land dispute the alleged occurrence took place in which this petitioner has been named along with other 20 named accused and 3-4 unknown accused, the specific allegation of giving a lathi blow is upon the accused Niranjana Yadav and there is no specific allegation against this petitioner, he has remained in custody since 28.06.2022, investigation against him is complete and at this stage there is no submission that his presence cannot be secured



in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati at Gaya in connection with Sherghati P.S. Case No. 695 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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