

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65432 of 2021**

Arising Out of PS. Case No.-189 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

SHIVNATH YADAV S/o Late Ram Kishun Yadav R/o village- Kulhariya,
P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 15-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in a case registered for
the offence under Sections 341, 323, 325, 379, 427, 504,
307/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The informant and his family members are said to
have been assaulted by the petitioner and others.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. Learned counsel appearing for the
petitioner submits that the petitioner, who is of clean
antecedent, is innocent and has not committed any offence.



In fact, the alleged occurrence took place on 05.04.2021 whereas the F.I.R. has been filed on 28.05.2021 after lapse of almost two months without explaining the plausible delay which creates doubt over the prosecution version. He further submits that due to land dispute the petitioner has been implicated in this case. He further submits that the petitioner is alleged to have caught hold the neck of Dhanu who is said to be grand son of the petitioner but no specific allegation of assault is attributed to him. The petitioner is rotting in judicial custody since 06.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Buxar (M) P.S. Case No. 189 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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