

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66221 of 2021**

Arising Out of PS. Case No.-279 Year-2020 Thana- MADANPUR District- Aurangabad

Ashok Yadav @ Ashok Kumar Yadav S/o Gupta Yadav @ Gupteshwar Yadav
R/o Village- Mirzapur, P.S.- Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Rajendra Nath Jha

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

2 22-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Sections 341, 323, 427, 504, 379, 307/34 of the Indian Penal Code.

According to prosecution case, on the basis of written report of Ramesh Yadav against six named persons alleging therein that all the accused persons forcibly entered and attacked on the informant's house. It is further alleged that the accused persons assaulted the family members of the informant by means of Iron Rod, sword, tangi and khanti, due to which five



persons were injured. It is further alleged that the co-villagers of the informant taken to the Government hospital Aurangabad for better treatment. It is further alleged that the Ashok Yadav has snatched a golden chain from the neck of the informant's mother and also destroyed some domestic articles. The reason behind the occurrence that accused persons have forcibly constructed drainage on the informant's land which informant side protest the construction that's reason the accused persons attempt to commit murder.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per F.I.R. the allegation against the petitioner is that he assaulted by Lathi and Danda to the grandmother of the informant. He further submits that the present case is counter blast of Madanpur P.S. Case No. 278 of 2020 filed by the brother of the petitioner against the informant and his family members. He further submits that it appears from the injury report that the injury is simple in nature caused by hard and blunt substance. He further submits that there is admitted land dispute between the parties. The petitioner is in custody since 06.10.2021.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Madanpur P.S. Case No. 279 of 2020, G.R. No. 2109 of 2020, 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)

mdrashid/-

U		T	
---	--	---	--

