

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60825 of 2022**

Arising Out of PS. Case No.-197 Year-2019 Thana- ADAPUR District- East Champaran

Upendra Yadav @ Upendra Prasad Son of Gopal Yadav @ Gopal Prasad R/O
Village- Mangurahara, P.S- Adapur, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 06-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Adapur
P.S. Case No. 197 of 2019 registered for the offence under
Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.08.2022.

The allegation against the petitioner is to assault
informant and others by iron rods, along with other co-accused
persons, causing head injury to informant, where occurrence
arises out of land dispute.



Learned counsel appearing on behalf of the petitioner submitted that present FIR was lodged after delay of six (06) days without having any just explanation. It is submitted that petitioner was falsely implicated in this case, where informant procured fabricated injury report from private hospitals. It is further submitted that even from the said injury report, it appears that only a single assault was caused by this petitioner without having any intervening circumstances, which clearly suggests that petitioner was not under intention to cause death. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as assault caused by the petitioner, is not appearing repeated without having any intervening circumstances, where FIR was lodged after delay of six (06) days of the occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Adapur P.S. Case No. 197 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-First Class, Raxaul at Motihari/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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