

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12211 of 2023**

Arising Out of PS. Case No.-340 Year-2022 Thana- NAUTAN District- West Champaran

Jitendra Yadav Son of Dular Yadav R/V- Gahiri, Ward no. 7, P.S- Nautan,
Dist-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aprajita, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

2 09-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 10.11.2022, in connection with Nautan P.S. Case No. 340 of 2022, F.I.R. dated 15.06.2022 registered for the offences punishable under Sections 341, 323, 325, 312, 354, 379, 504, 34 of the Indian Penal Code.

Allegation against the petitioner is of assault on abdomen of the informant due to which she became injured and miscarriage.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case on the basis of F.I.R.. He further submits that it appears from the F.I.R that the informant Rinku



Devi alleged in the F.I.R. that the petitioner and other co-accused person assaulted the informant but she did not disclose the miscarriage of pregnancy of five months and in her statement recorded under Section 161 of the Cr. P.C. in which she has developed a new story and stated that due to present occurrence resulted to miscarriage of pregnancy of five months and the injury report of the informant does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Judicial Magistrate 1st Class, West Champaran, Bettiah in connection with Nautan P.S. Case No. 340 of 2022, 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 witness, 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 antecedents, 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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