

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6736 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- HARSIDHI District- East Champaran

NARESH YADAV S/o Arjun Yadav R/o Village- Ujjain Lohiyar, P.O.- Gay
Ghat, P.S.- Harsidhi, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Rakesh Kumar, Advocate
	:	Mr. Rikesh Sinha, Advocate
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-05-2023 Heard Mr. Krishna Prasad Singh, learned senior
counsel appearing for the petitioner and the learned A.P.P. for
the State.

The petitioner seeks bail, who is in custody since
02.09.2022 in connection with Harsidhi P.S. Case No. 387 of
2022, F.I.R. dated 09.08.2022 registered for the offence
punishable under Sections 147, 148, 149, 341, 323, 354(A), 302, 379
and 504 of IPC.

Allegation against the petitioner and other accused
persons is that they assaulted the informant's father-in-law by
means of lathi, danda, iron rod and Khanti, causing injury on
his head. The informant's father-in-law, namely, Indradeo
Yadav died during course of treatment.



Learned senior counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute. Further submits that the informant is not the eye witness of the alleged occurrence. There is case and counter case between the parties and both sides had sustained injury and it appears from the FIR that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused persons including the petitioner and in 2nd part, the specific allegation against the petitioner and others is that they have assaulted the deceased and the postmortem report suggests that three injuries were found on the person of the deceased and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.09.2022.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned C.J.M., East Champaran, Motihari in connection with Harsidhi P.S. Case No. 387 of 2022, 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 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)

Nitesh/-

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

