

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21975 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- BIRPUR District- Supaul

Ram Prasad Yadav @ Ram Prasad Gohiwar Son Of Late Kari Yadav R/O
Village- Birpur, Ward No.13, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
20.08.2022 in connection with Birpur P.S. Case No. 246 of
2022, F.I.R. dated 28.07.2022 for the offences punishable under
Sections 341, 323, 324, 307, 379, 504, 354, 354(B)/34 of the
Indian Penal Code.

According to prosecution case, the accused persons
including the petitioner have assaulted the informant and his
family members by means of *farsa* and *dabia* causing cut
injuries to the informant and also misbehaved with the wife of



the informant. It is further alleged that all this happens because of the previous dispute between the parties.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that the petitioner is own Gotiya of the informant and the allegation as alleged in the F.I.R. is not supported by the medical evidence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.08.2022.

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

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 Additional Chief Judicial Magistrate-1, Birpur, Supaul in connection with Birpur P.S. Case No. 246 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 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)

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