

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22642 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- HALSI District- Lakhisarai

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Naresh Yadav Son of Dwarika Yadav R/V- Dhira, P.S.- Halsi, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajnish Chandra, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Halsi P.S. Case No. 319 of 2022 registered on 09.12.2022 for the alleged offences under Sections 341, 323, 324, 307, 379, 385, 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons, variously armed and making an unlawful assembly hurled abuses and demanded Rs. One lakh as extortion money from the informant and also asked him to register his land in the name of the assailants, who assaulted the informant and his family members. The allegation against the petitioner is that he hit on the back side of the head of the informant and he became unconscious.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not assaulted any person and the present case is a counter blast to the case earlier lodged by this petitioner being Halsi P.S. Case No. 318 of 2022 against the informant and others, who assaulted the petitioner and his family members. Learned counsel further submits that though grievous injury has been found on the person of the informant but it is not serious and there is no repetition of blow and the size of the injury is 6 cm x ½ cm x skin deep, which is lacerated wound. The petitioner is in custody since 09.01.2023 and charge sheet has been submitted. The petitioner is having criminal antecedent of one case under Excise Act.

5. Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and two cases are pending against him.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is case and counter case between the parties and there appears no repetition of blow or intervening circumstances and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Lakhisarai/concerned court in connection with Halsi P.S. Case No. 319 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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