

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25101 of 2023**

Arising Out of PS. Case No.-55 Year-2021 Thana- SONBERSHA RAJ
District- Saharsa

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CHANDAN YADAV S/o- DHANESHWAR YADAV Village- Navtoliya ward no-
1 Ps- Sonbarsa Raj Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-10-2023 Heard Mr. Rashmi Jha, learned counsel for the

petitioner and the Mr. Sayed Mojibur Rahman, learned A.P.P. for

the State.

The petitioner apprehends his arrest in connection
with Sonbarsa Raj P.S. Case No. 55 of 2021 dated 22.04.2021
registered for the offence under Sections 341, 323, 354, 379, 504
506/ 34 and later on 302 of the Indian Penal Code.

The informant is subjected to assault at the instance of
the petitioner and thereafter snatched the golden chain of the
informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case due to admitted land
dispute between the parties. He further submits that both the



parties happen to be neighbor. He further submits that on bare perusal of the F.I.R., it appears that there is general and omnibus allegation against the petitioner and no specific allegation of assault is attribute to him. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 15.04.2021 whereas the instant F.I.R. has been lodged on 22.04.2021 after delay of seven days without any explanation. Moreover, similarly situated co-accused, Ganesh Yadav, Nandan Yadav @ Nandan Kumar and Sanjan Devi along with Mira Devi and Mankiya Devi have already been granted bail by a co-ordinate Bench of this Court vide order dated 05.09.2022 passed in Cr. Misc. No. 9923 of 2022 along with Cr. Misc. No. 8737 of 2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 A.C.J.M.-VII, Saharasa in connection with Sonbarsa Raj P.S. Case No. 55 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 canceled 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.

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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