

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32076 of 2023

Arising Out of PS. Case No.-216 Year-2020 Thana- SISWAN District- Siwan

Vijay Yadav Son Of Late Rajdev Yadav Resident Of Village- Pursottam Mura,
P.S.- Siswan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 21.02.2023 in connection with Siswan P.S. Case No. 216 of 2020, F.I.R. dated 19.09.2020 for the offences punishable under Sections 341, 323, 324, 307, 427 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner is alleged to have assaulted the son of the informant and gave a knife blow on the abdomen of the informant due to land dispute between the parties.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R., is that the petitioner has inflicted knife blow upon the son of the informant and he has received injury caused by sharp



knife and the injury report suggest that the injury is grievous in nature. He further submits that it appears from the F.I.R. itself that due to land dispute between the parties the present occurrence has taken place. He further submits that there was no intention to kill the son of the informant and there is no repetition of knife blow upon the son of the informant. He further submits that in fact the petitioner is not accused in Siswan P.S. Case No. 69 of 2020. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has inflicted knife blow upon the son of the informant and this has come in Paragraph No. 43 and 44 of the Case Diary that the petitioner is accused in Siswan P.S. Case No. 69 of 2020 and the petitioner is pressurized to change the testimony in this case.

6. Considering the aforesaid facts and period of custody, 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



Judicial Magistrate, Siwan, in connection with Siswan P.S. Case No. 216 of 2020, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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