

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33769 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- BAIRIYA District- West Champaran

Nandlal Yadav Son of Shivnanan Yadav @ Shivnandan Yadav Resident of
village - Ahirani Tola, P.s. - Bairiya, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raushan Raj, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the
office, be removed within a period of four weeks from today.

03. In the present case, the petitioner is apprehending
his arrest in connection with Bairiya P.S. Case No. 71 of 2021,
registered on 06.04.2021, for the alleged offence under Sections
341, 323, 324, 325, 307/34 of the Indian Penal Code.

04. As per prosecution case, the petitioner and other
co-accused persons, who were armed with *lathi*, *danda*, iron
rod, knife and *farsa*, assaulted the informant and his brother.

05. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. From the FIR, it is evident that no specific overt act has



been attributed against the petitioner. After investigation, the police submitted charge-sheet against others, but, he did not sent up the petitioner to face trial. However, the learned A.C.J.M.-III, Bettiah, differed with the police report and took cognizance against the petitioner as well under Sections 341, 323, 325, 307, 504/34 of the Indian Penal Code. Learned counsel further submits that, however, there is no material against the petitioner. Leaned counsel further submits that a number of co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide orders dated 02.08.2022 and 03.08.2022 passed in Criminal Misc. No. 3868 of 2022 and Criminal Misc. No. 4603 of 2022, respectively and the case of petitioner stands on better footing.

06. Learned A.P.P. for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of material against the petitioner and also considering the grant of anticipatory bail to co-accused persons against whom there was specific allegation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on



furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah/concerned court in connection with Bairiya P.S. Case No. 71 of 2021 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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