

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39963 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- HARPUR District- Munger

1. Manish Yadav @ Dablu Yadav @ Binay Yadav Son of late Mangal Yadav
Resident of village- Dhai Kokhar, P.s.- Harpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Advocate
	:	Mr. Abhinav Alok, Advocate
For the Opposite Party/s	:	Ms. Nirmala Kumari, APP
For the Informant	:	Ms. Akriti Aishwarya, Advocate
	:	Mr. Manish Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4 15-02-2023 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the informant as well as 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 in a case registered for the
offences punishable under Sections 341, 323, 307, 379, 504, 506
and 34 of the Indian Penal Code.

According to prosecution case, the informant and his
family members found that the petitioner along with other
accused persons assaulted and abused the son of the informant



and they were armed with lathi and iron rod. It is also alleged that when the informant objected, the petitioner assaulted with iron rod on the head of the informant due to which he sustained injuries.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that there is previous land dispute between the parties and there is case and counter case between the parties. He further submits that it appears from the F.I.R. that there is specific allegation against the petitioner that he has assaulted the informant by means of iron rod on his head and due to which he sustained injuries. He further submits that there was no intention to kill the informant. He further submits that other accused persons have been granted bail by the Court below itself. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.06.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he has assaulted the informant on his head by iron rod causing him injuries and the



injury report suggests that the injury is grievous in nature and the petitioner carries four more criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Harpur P.S. Case No. 55 of 2021, 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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