

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39965 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- DARAUNDA District- Siwan

=====

ANIL YADAV S/O LATE DUDHNATH YADAV Resident of Village
Chintamanpur, P.S.- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Mohammad Sufyan

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 25-01-2023 Learned counsel for the petitioner is permitted to
make necessary correction in para 13 of the bail petition.

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

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Daraunda
P.S. Case No. 85/2022 registered for the offences punishable
under Sections 341, 323, 325, 307, 504, 506, 354 and 379 of the
Indian Penal Code.

As per prosecution case, allegation against the
petitioner is that he assaulted the informant by means of iron rod



and fractured his both arms and legs and also snatched Rs.3500/- from the informant's wife.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to village enmity. The petitioner is languishing in custody since 06.04.2022 and bears no criminal antecedent. He further submits that in the light of the facts and circumstances of the present case Section 307 is not made out against the petitioner and Section 354 of the I.P.C. is ornamental in nature and all injuries are on non-vital parts of the body. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Daraunda P.S. Case No. 85/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

