

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47710 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- VISHAMBHARPUR District- Gopalganj

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HARILAL YADAV SON OF LATE KAPILDEO YADAV @ LATE KAPIL
YADAV RESIDENT OF BALIWAN RAYMAL, P.S. - BISHAMBHAPUR,
DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bishambharpur P.S. Case No. 183 of 2022 registered for the
offence under Sections 147, 149, 447, 323, 324, 326, 307, and
504 of the Indian Penal Code.

The petitioner along with other accused persons came
at the house of the informant and his family members and started
abusing and assaulting them by means of sword and lathi due to
which they have sustained injuries.

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. He further submits that
the present case is a counter blast of Bishambharpur P.S. Case No.



182 of 2022 filed by the family members of the petitioner against the family members of the informant. He further submits that there is land dispute between the parties on account thereof this false case has been lodged against the petitioner and others. He further submits that it appears from the F.I.R. that the petitioner has assaulted the father of the informant, namely, Banila Yadav but his injury report suggest that he has sustained two injuries and both are opined to be simple in nature caused by hard and blunt substance. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 30.04.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner happens to be member of the assaulting party.

Considering the facts and circumstances of the case, let the, above named, petitioner 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.-X, Gopalganj in connection with Bishambharpur P.S. Case No. 183 of 2022 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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