

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46942 of 2023

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Chand Yadav Son of Ramnath Yadav Resident of Village - Koreya, P.S.-
Vijaipur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since 24.04.2023 in connection with Vijaipur P.S. Case No. 265 of 2021, F.I.R. dated 03.12.2021 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 326, 307 and 302 of the Indian Penal Code.

4. According to prosecution case, there are 19 named accused persons collectively started ploughing the field of the informant. The informant opposed as to why they are ploughing his ancestral field on which they all attacked on the informant's



side. This petitioner along with other accused persons caught hold Jagdamba Pandey and other co-accused, namely, Angad Vishwakarma and Rakesh Yadav assaulted him by knife.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land disputes between the parties. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act attributed against the petitioner rather there is allegation that the petitioner along with other accused persons have caught hold the nephew of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Angad Vishwakarma and Rakesh Yadav against whom there is allegation that they have assaulted Jagdamba Pandey by repeated knife blow have been granted bail by a co-ordinate Bench of this Court vide order dated 01.02.2023 passed in Cr. Misc. No. 17852 of 2022 and 19.09.2022 passed in Cr. Misc. No. 35148 of 2022 respectively. The petitioner is in custody since 24.04.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



7. 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 Chief Judicial Magistrate 1st Class, Gopalganj in connection with VIjaipur P.S. Case No. 265 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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