

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47546 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- MALI District- Aurangabad

Rameshwar Yadav Son of Kailash Yadav Resident of Village-Simra,
Uchitman Tola Nagar Baba, P.S.-Mali Anchal Nabi Nagar, District-
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Yadav, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
12.05.2023 in connection with Mali (Aurangabad) P.S. Case No.
40 of 2023, F.I.R. dated 12.04.2023 for the offences punishable
under Sections 341, 323, 324, 307, 354, 504, 34 of the Indian
Penal Code.

3. According to prosecution case, in brief, is that
informant was harvesting her wheat crops by harvesting
machine, in the meantime, Rameshwar Yadav (petitioner)
alongwith co-accused came and asked cause of disconnection of
electricity and started abusing her, Shankar Kumar caught her
and Rameshwar Yadav tried to pierce sabal in her stomach, the
informant tried to escape then he had inflicted blow of Sabal on



her head and she fell and became unconscious.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that bare perusal of F.I.R. it appears that the allegation against the petitioner that he has assaulted with Farsa Sabal on the head of the informant. He further submits that the injury report suggest that the injury inflicted by the hard and blunt substance but in the F.I.R. allegation against the petitioner that he has assaulted with the Sabal and the injury report does not supported the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.05.2023.

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

6. 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, Aurangabad in connection with Mali P.S.



Case No. 40 of 2023, 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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