

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51701 of 2022

Arising Out of PS. Case No.-112 Year-2020 Thana- GAUNAHA District- West Champaran

1. LALAN YADAV SON OF LATE DURGA YADAV R/O BELWA BAHUARY, P.S.- GOUNAHA, DISTRICT- WEST CHAMPARAN
2. DHEERAJ YADAV @ DHIRAJ YADAV SON OF LALAN YADAV R/O BELWA BAHUARY, P.S.- GOUNAHA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-03-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 447, 323, 324, 307, 427, 379, 504, 506 and 34 of the Indian Penal Code.

The petitioners along with other are said to have assaulted the informant and his family members by deadly weapon as a result of which they sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the parties are happened to be agnates and there is land dispute between the parties and on account thereof scuffle took place between them in which both



sides got injured for which case and counter case have been instituted by both the parties. He further submits that it appears from the F.I.R that the petitioner No.1 gave farsa blow over the head of the informant resultantly he sustained head injury but the injury report does not corroborate with the allegation leveled against him as the injury sustained by the informant stated to be caused by a hard and blunt substance and no sharp cutting injury has been found on the informant. He further submits that so far as allegation against the petitioner No.2 is concerned, according to the F.I.R, he along with co-accused assaulted the brother of the informant by iron rod on the palm of his left hand whereas the injury report suggests that out of four injuries, three are simple in nature and one is stated to be grievous but the same is not over the vital part of the injured. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 26.05.2022.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the petitioners. He further submits that the petitioner carries four two cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties



of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gaunaha P.S. Case No. 112 of 2020 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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