

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56190 of 2023

Arising Out of PS. Case No.-387 Year-2023 Thana- BARH District- Patna

Radhe Shyam Yadav S/O Late Ram Sharan Prasad @ Late Ram Saran Yadav
R/O Vill - Hasanchak (Bahrama), P.S. - Barh, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Premchandra Yadav, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Barh P.S. Case No.387 of 2022 registered on 22.06.2023 lodged
under Sections 341, 323, 379, 307/34 of the I.P.C. and 27 of the
Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against 3 named accused persons including the present
petitioner that the petitioner with other accused persons, reached
the house of the informant and assaulted the informant and also
made firing.

4. Counsel for the petitioner submits that both the
petitioner's side and informant's side are agnates and due to
some land dispute the scuffling took place among them. He
submits that the present case is out and out a false case,
whereas, the truth is that informant of the present case has

actually attacked the family of the petitioner. He also submits that for the same date and from the same place of occurrence, case and counter case has been lodged. He submits that from the informant's side FIR bearing Barh P.S. Case No.387 of 2023 was lodged and from the petitioner's side FIR bearing Barh P.S. Case No.389 of 2023 was lodged.

5. Counsel further submits that admittedly the dispute is related to land only. He further submits that the petitioner is an old aged person of about 73 years and he is in custody since 26.03.2023. He also submits that there are 2 criminal cases pending against the petitioner and in the both the cases he is on bail.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Barh, in connection with Barh P.S. Case No.387 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of

the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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