

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54877 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- TEYAR District- Bhojpur

Bhim Yadav S/o Late Raghunandan Yadav R/o village- Hulastola, P.S.- Tarari,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Tiya P.S. Case No. 09 of 2022 registered under Sections 341/323/302/504/34 of the Indian Penal Code.

Petitioner was allegedly digging a drain in front of informant's house, when the informant's husband has objected. It is alleged he along with others has assaulted informant's husband by various means.

Learned counsel for the petitioner submits that the narration of allegations in the FIR itself is self-contradictory and the informant's claim to being witness to the assault is not sustainable. Subsequently, the informant has realised that implication was based on misconception and petitions to this effect have been filed in the trial



court, certified copy of which has been annexed. It is submitted that parties are agnates and there was some subsisting property dispute between the parties. The petitioner has no criminal antecedents and he is in custody since 21.03.2022.

Learned APP has opposed the prayer for bail. It is submitted that there is direct allegation of assault leading to death of the victim.

Considering the rival submissions, the nature of allegations, petitions filed by the informant in the trial court, and the clean antecedent, this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhojpur at Ara in Tiya P.S. Case No. 09 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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