

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56309 of 2023

Arising Out of PS. Case No.-389 Year-2022 Thana- SUGAULI District- East Champaran

Anil Yadav @ Anil Kumar Yadav Son Of Sadhu Yadav Resident Of Village-
Panjiarwa, Ps- Sugauli, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, 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
Sugauli P.S. Case No.389 of 2022 registered on 24.08.2022
lodged under Sections 341, 323, 324, 307, 379/34 of the Indian
Penal Code.

3. As per the prosecution case, in the FIR informant
disclosed that due to poor standard of construction work made
by the co-villager of the informant, her husband opposed that,
due to which the co-accused became angry on him. But due to
interference by some villagers the matter was resolved. In the
evening, some of those persons including the petitioner visited
the house of the informant attacked on her. The allegation
against the accused Vishnu Yadav is to assault the informant's

husband by *Farsa*. The allegation against the present petitioner is he attacked with an iron rod on husband of the petitioner due to which he died. Allegations of snatching Rs.20,000/- and gold chain are also there in the FIR. As per the FIR, due to land dispute the dispute took place.

4. Counsel for the petitioner submits that the petitioner's side and the informant's side are well-known to each other and they are basically agnates. Counsel submits that it has been accepted by the informant that the cause of dispute is land.

5. Counsel for the petitioner submits that some accused persons have been granted anticipatory bail. But when one of the accused persons namely Vishnu Yadav and the present petitioner also moved for anticipatory bail then the said Vishnu Yadav, against whom allegation of attacking with *Farsa* is there in the FIR, has been granted bail but the present petitioner's bail was rejected due to the reason that the injury caused by him upon the victim was from a hard and blunt substance. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 03.07.2023 having clean antecedent.

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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No.389 of 2022, 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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