

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55329 of 2022**

Arising Out of PS. Case No.-87 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Lalo Yadav @ Laloo Yadav, Son of Bauyan Yadav, R/V- Bahera, P.S-
Kusheshwar Asthan, Dist- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

For the Informant : Mr. Shiva Shankar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Yogesh Kumar, learned counsel appearing
on behalf of the petitioner, Mr. Shiva Shankar Sharma, learned
counsel for the informant and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kusheshwar Asthan P.S. Case No. 87 of 2022
registered for the offences punishable under Sections 341, 323,
504, 307, 435, 379/34 of the Indian Penal Code.

The prosecution case is based on the written report of
the informant alleging therein, that on 07.03.2022, when the
informant reached to his house, he noticed that all the accused
persons, including the petitioner, was indulged in obstructing by
putting a fence in the side of his house. When the same was
resisted by the informant along with his father, the petitioner



started abusing and threatened with dire consequences. It is further alleged that this petitioner assaulted the informant's father by means of farsa over his head and other accused persons also allegedly assaulted the informant and his father by means of lathi and danda, apart from the allegation that they sprinkled kerosene oil and set ablaze the house and looted away cash and other valuables.

Learned counsel appearing on behalf of the petitioner submits that both the parties are their agnates and from the FIR, it is evident that there is a land dispute pending between the parties which resulting into lodging of the case and a counter case. He further submits that on account of land dispute a free fight has taken place between both the parties. This petitioner had also instituted Kusheshwar Asthan P.S. Case No. 86 of 2022, which is in earlier point of time to the present one. He next submits that in a free fight which took place between the parties, persons of both the sides have sustained injuries, however, the prosecution has failed to explain the injury sustained to the person of the petitioner. He next submits that though the specific allegation has been levelled against the petitioner that he gave farsa blow, however, the injury report does not corroborate the prosecution case, inasmuch as the



injury has been found to be caused by hard and blunt substance. He next submits that other co-accused persons who have also actively participated in the alleged occurrence, some of them have been allowed anticipatory bail by the Court below itself and others have been granted regular bail. He lastly submits that the petitioner is in custody since 20.05.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender, indulged in such type of crime as he is found involve in five other cases, besides the present one.

Regard being had to the submissions made on behalf of the parties and considering the injury report, which doesn't corroborate the prosecution case and the fact that the other co-accused persons who have also actively participated, they have been allowed the privilege of bail by the Court below itself and, moreover, there is a counter version of the present case, which is earlier in point of time, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S.



Case No. 87 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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