

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60395 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- PARAIYA District- Gaya

Shibu Yadav @ Shiv Narayan Yadav Son Of Late Kali Yadav R/O Village-
Murgiyabigha, P.S.- Paraiya, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 26-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
27.07.2022 in connection with Paraiya P.S. Case No. 183 of
2021, F.I.R. dated 21.08.2021 for the offences punishable under
Sections 147, 148, 149, 341, 323, 325, 308 and 307 of the
Indian Penal Code.

According to prosecution case, all the accused persons
including the petitioner assaulted the father and cousin of the
informant. It is further stated that the petitioner had assaulted
the father of the informant by means of *sabal*.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is admitted land dispute between the parties and there is case and counter case between them. He further submits that it appears from the F.I.R. that there is specific allegation against the petitioner that he assaulted the father of the informant, namely, Siyaram Yadav. He further submits that the father of the informant was initially treated at primary health centre and the opinion is reserved in the injury report of Siyaram Yadav. He further submits that later on after CT Scan, the injury is found to be dangerous for life but no fracture was found on the head of the father of the informant. He further submits that it appears from the case diary that both sides sustained injuries in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate 1st Class, Gaya in connection with Paraiya P.S. Case
No. 183 of 2021, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. 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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