

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62153 of 2023

Arising Out of PS. Case No.-270 Year-2023 Thana- MASAUDHI District- Patna

SIDHNATH @ PAKAURI YADAV @ SIDHNATH YADAV son of Mula
Yadav @ Alakh Yadav Village- Purani Bazar Masaurhi Ps- Masaurhi Dist-
patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 07-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Masaurhi P.S. Case No. 270 of 2023 registered for the offences
punishable under Sections 341, 323, 307, 504, 506, 354(B)/34 of
the Indian Penal Code.

3. As per prosecution case, petitioner and others are
alleged to have assaulted the informant concertedly. It is alleged
that the petitioner is said to have assaulted Nitish Kumar by means
of *lohandhi* lathi as a result of which the victim sustained injury
on head.

4. Learned counsel for the petitioner submits that
from the perusal of F.I.R., it appears that there is inordinate delay
of one day in lodging the F.I.R. as the occurrence has taken place



on 27.04.2023 at 7 AM and F.I.R. has been lodged on 28.04.2023 at 4:30 PM and no plausible explanation has been given regarding the said delay. He further submits that it is very surprising that the time of injury is 6:30 AM though the alleged occurrence is said to have taken place at 7 AM on 27.04.2023 meaning thereby the injury report has already been prepared by the prosecution side which is nothing but to falsely implicate the petitioner in the present case. He further submits that there is no allegation of repetition of blow against the petitioner. He further submits that co-accused Banty Yadav @ Amarnath Kumar, whose allegation is identically same with the petitioner, has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 64353 of 2023 and the petitioner also deserves bail. Petitioner is in custody since 30.04.2023 and bears criminal antecedent of five cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner keeping in view his criminal antecedent.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted anticipatory bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence,



argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Masaurhi at Patna in connection with Masaurhi P.S. Case No. 270 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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