

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71465 of 2021

Arising Out of PS. Case No.-430 Year-2020 Thana- MASAUDHI District- Patna

Upendra Yadav Son Of Sri Chandradeo Yadav Resident Of Village- Tarpura,
P.S- Masaurih, Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP
For the Informant	:	Mr. Shakti Kumar Sahni, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

16 07-04-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as 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 27.02.2021 in connection with Masaurih P.S. Case No. 430 of 2020, F.I.R. dated 12.07.2020 for the offences punishable under Sections 147, 148, 149, 323, 307, 337, 379, 385, 447 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner along with other accused persons assaulted the informant and his



brother when they went at their filed due to some land dispute. It is further alleged that when the brother of the informant, namely, Shiv Kumar Sharma protested, all the accused persons including the petitioner assaulted him with iron rod due to which he sustained injury.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that the allegation against the petitioner and another co-accused person is that they have assaulted one Shiv Kumar Sharma by means of iron rod. He further submits that there is one land dispute bearing Title Suit No. 98 of 2016 which is pending between the parties. He further submits that although the injury report suggests that the injury is grievous in nature but not inflicted by the petitioner and other co-accused persons.

Vide order dated 17.03.2023 a report was called with regard to the present stage of trial. Report dated 31.03.2023 reveals that the present case is at the stage of Section 207 of the Cr.P.C.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future. The petitioner is in custody



since 27.02.2021 i.e. more than 2 years.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submit that on the basis of paragraph 3 of the bail petition, the petitioner carries 8 criminal antecedents other than the present one but he is on bail in all the cases except one.

Considering the aforesaid facts and circumstances and the period of custody, 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 Additional Chief Judicial Magistrate , Masaurih in connection with Masaurih P.S. Case No. 430 of 2020, 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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