

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66599 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- SHANKARPUR District- Madhepura

LALTU KUMAR YADAV @ LALTU KUMAR SON OF LAXMAN YADAV
RESIDENT OF MAHARAJI TOLA, WARD NO.12, POLICE STATION -
SHANKARPUR, DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Verma

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Shankarpur P.S. Case No. 83 of 2022 registered on 04.05.2022
lodged under Sections 447, 341, 323, 307, 379, 354(A), 504,
506, 34 of the I.P.C and Section 27 of the Arms Act, 1959.

3. As per the prosecution case, F.I.R. has been lodged
against fifty named accused persons including the present
petitioner in which the specific allegation against the petitioner
is of assaulting on the head of the informant's brother with an
iron rod.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that from the



content of F.I.R. itself, it is very much clear that the petitioner and informant are agnates and there is a dispute pending before the Court of Madhepura bearing Case No. 63 of 2017. Counsel for the petitioner further submits that for the same date and place of occurrence, two criminal cases has been filed, the informant's side has filed Shankarpur P.S. Case No. 84 of 2022 and petitioners side has filed Shankarpur P.S. Case No. 84 of 2022.

5. Counsel submits that injury has been caused from both the sides and open fight took place due to land dispute. He also submits that he has annexed the injury report of Chandra Kishore Yadav to whom he has assaulted and to both sides injury is grievous in nature. Counsel further submits that petitioner is in custody since 06.06.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail but submits that for the same date and place of occurrence the injury has been caused from both the side and and both the sides has filed cases against each other.

7. Learned counsel for the informant vehemently opposed prayer for bail and submits that from the content of F.I.R., specific allegation has been made against the present



petitioner that he has assaulted the son of the informant by iron rod due to which grievous injury has been caused which is annexed as Annexure-4.

8. 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 ACJM-I, Madhepura, in connection with Shankarpur P.S. Case No. 83 of 2022 subject to the following conditions as well as the condition laid down under Section 437(3) of the Cr.P.C.

(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.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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