

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68348 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- BHARGAMA District- Araria

=====

HIRA YADAV @ HIRA LAL YADAV S/O LATE BHUMI YADAV R/O
VILLAGE- DHANGADA, WARD NO. 10, PS. BHARGAMA, DIST.
ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bhargama P.S, Case No. 64/2023 for the offence registered under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code lodged on 13.03.2023 by the informant, Maheshwari Yadav.

3. As per the prosecution story, due to land dispute, there was assault by the accused's side on the informant causing injury on his head and was taken to the hospital for treatment. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there is a case and counter case *inasmuch* as while the present case arising out of Bhargama P.S. Case No. 64/2023 the



subsequent case i.e. Bhargama P.S. Case No. 65/23 was lodged by the present petitioner's side. It is his further submission that there is delay in lodging of the FIR of 10 days and the injury is found to be simple in nature. Further, without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 5000/- to the informant.

5. Learned APP opposes the prayer for bail.

6. Considering the aforesaid submissions put forward by the learned counsel for the parties as also the fact that due to land dispute, there is case and counter case, the injuries has been found to be simple in nature and he do not have criminal antecedent, this Court is inclined to grant him privilege of bail subject to payment of Rs. 5000/- by the petitioner, as stated above and undertaken by the learned counsel for the petitioner.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No.



64/2023 subject to condition as laid down under Section 438(2) 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

