

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65858 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- BALIYA District- Begusarai

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AMRIT KUMAR @ AMRIT YADAV S/O DINESH YADAV Resident of
village- Lal Diyara Ward No-3, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Anurag, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Ballia P.S. Case No. 98 of 2021 for the offences under
Sections 147, 148, 149, 341, 323, 307, 504, 506, 379, 427 of the
Indian Penal Code.

As per the FIR, the informant, the lady has alleged
that accused persons armed variously came to her place and on
the exhortation of Rajnish Yadav, allegation against this
petitioner is of beating the informant. Further allegation is that
when her husband and her neighbour, Usha Devi came to her
rescue, this petitioner caught hold of him and Akshay Yadav
assaulted Usha Devi on her head causing injury to her. Further



allegation is against other accused persons of beating her husband.

Learned counsel for the petitioner submits that they are agnates and there is case and counter case relating to the same case. Further some of the other co-accuseds have been granted bail vide Cr. Misc. No. 61106 of 2021. It is his further submission that the informant being his Aunt, irrespective of the outcome of the present case, he would like to pay a sum of Rs. 10,000/- to her for the alleged injury caused to her without accepting any allegation made in the FIR which will be paid to her through the Demand Draft issued by the State Bank of India local branch.

Learned APP on the other hand opposes the prayer of bail but concedes that some of the co-accuseds have been granted bail.

Considering the aforesaid facts as also that he do not have criminal antecedent and has been in custody since 28.8.2022 (as stated in para-7 of the bail application), this Court is inclined to grant him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by him.

If, however, it is found that he do have criminal antecedent, the bail order shall become infructuous.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Ballia P.S. Case No. 98 of 2021 subject to the following conditions :-

(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 bond by the Trial Court itself;

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



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Ajay Singh/-

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