

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65701 of 2022

Arising Out of PS. Case No.-534 Year-2022 Thana- KAHALGAON District- Bhagalpur

Ramesh Kumar Yadav @ Ramesh Kumar S/O Late Raghunath Yadav R/O
Village- Janidih, P.S- Kahalgaon (Ghogha), District- Bhagalpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar Singh, Advocate
For the Informant	:	Dr. Manoj Kumar, Advocate
For the State	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 323, 341, 307, 379, 504,
506/34 of the Indian Penal Code.

Allegation against the petitioner is that he along with
co-accused persons armed with weapons started constructing
pillar in the land of the informant and when he protested then
the accused persons started abusing him and accused Ramesh
Kumar hit the informant on his right temple with an iron rod and
took out Rs. 20,000/- from his pocket and he came unconscious
and fell down.

Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation as alleged in the F.I.R. that the petitioner assaulted the informant Manoj Kumar Yadav and he received injury. He further submits that there is case and counter case between the parties and there is admitted previous land dispute. He further submits that there is admitted Title Suit which is pending between the parties and both the parties are agnates. He further submits that as per allegation in the F.I.R. that the date of occurrence took place on 08.06.2022 but the present F.I.R. was instituted on 09.06.2022 after delay of more than 24 hours without giving explanation of delay. He further submits that the injury report does not disclose the nature of the injury and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.07.2022.

Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries more than five cases other than the present one but learned counsel for the State fairly submits that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Kahalgaon (Ghogha) P.S. Case No. 534 of 2022, with 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 witness, 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 antecedents, 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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