

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68386 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- ANTI District- Gaya

Vinod Yadav, Son of Late Teni Yadav, Resident of Village - Chabura, Tola Narayanpur, P.S.- Anti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Anti P.S. Case No. 43 of 2023 lodged under Sections 149, 323, 341, 342, 448, 307, 354, 354B, 379 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against 8 named accused persons including the present petitioner. The specific allegation as per the F.I.R. against the present petitioner is that he has assaulted by *khanti* on the head of the informant due to which injury took place.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the informant and the petitioner are the full brothers. From the content of the F.I.R., it become crystal clear that due to land

dispute, scuffling took place between the two families who were coparcener. Counsel further submits that for the same date and place of occurrence, the two F.I.Rs. has been lodged, one F.I.R. from the informant's side, namely, Anti P.S. Case No. 43 of 2023 and another case from the side of the petitioner, namely, Anti P.S. Case No. 41 of 2023 has been lodged.

5. Counsel further submits that it is alleged that injury has been caused on the head of one Rajendra Yadav, but from the injury report, it transpires that the injury has been made by hard and blunt substance which is grievous in nature. Counsel further submits that both the parties are not criminal rather due to petty dispute, both brothers entered into dispute and resulted into injury to both the parties.

6. Counsel for the petitioner further submits that petitioner is in custody is since 20.05.2023 having clean antecedent.

7. Learned counsel for the State opposes the prayer for bail.

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 Judicial Magistrate, 1st Class, Gaya, in connection with Anti P.S. Case No. 43 of 2023, subject

to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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 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.

(Dr. Anshuman, J.)

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