

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68257 of 2022**

Arising Out of PS. Case No.-232 Year-2022 Thana- BAGHA District- West Champaran

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ANMOL YADAV S/O Rajkumar Yadav Native of Bankatwa, Ward No-21,
P.S- Bagaha, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Bhushan Sinha
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 12-04-2023 Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State and also

heard learned counsel for the informant.

The petitioner is seeking regular bail in connection
with Bagaha P.S. Case No. 232 of 2022, registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 326, 307, 302, 504 and 506 of the Indian Penal Code.

As per allegation, the informant and his family
members were harvesting *masuri* crop. Meanwhile, 11 named
accused persons, including the petitioner came there, armed
with sphere *lathi*, iron rod etc. The specific allegation against
the petitioner is that he assaulted Kashi Yadav with spear at leg,



stomach and external reason of Kashi Yadav. Co-accused Sadhu Yadav inflicted knife blows at the testicles of the deceased Kashi Yadav. Raj Kumar Yadav assaulted him on his head and made him injured.

The learned counsel for the petitioner has submitted that the allegation against the petitioner is true to inflict spear blow on the leg, stomach and external region of the deceased, but the post-mortem report shows that there were injuries on knee and testicles of the deceased. He has submitted further that in his re-statement, the informant has stated that the petitioner inflicted spear blow, only on knee of the deceased. The deceased has received injuries on knee, which is attributed against the petitioner, which shows that it was not his intention to kill the deceased, as he had not chosen the vital part of the deceased to inflict the blows. He has also submitted that other co-accused persons have been granted bail by the co-ordinate Benches of this Court. The petitioner is a person of clean antecedent and under custody since 10.04.2022.

On the other hand, the learned APP as well as the learned counsel for the informant have opposed the prayer for bail and submitted that the case of the petitioner cannot be equated with the co-accused, who have been granted bail by the



co-ordinate Benches of this Court, as he was the direct assailant. They have submitted further that the witnesses in paragraph nos. 47, 48 and 49 of the case diary have supported the occurrence.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of concerned court below in connection with Bagaha P.S. Case No. 232 of 2022, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.



(iii) Before release of the petitioner, the learned court below shall verify the criminal antecedent of the petitioner and it comes to the notice of the learned court below that the petitioner is involved in any other case, the learned court below shall be at liberty to cancel his bail bond.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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