

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73155 of 2022

Arising Out of PS. Case No.-272 Year-2020 Thana- BAHERI District- Darbhanga

MITHLESH YADAV @ MITHU YADAV S/o Raj Kumar Yadav R/v- Amata,
P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 27.08.2022, in connection with Baheri P.S. Case No. 272/2020, F.I.R. dated 22.11.2020, for the offences punishable under Sections 147, 148, 149, 341, 323, 354(B), 325, 380, 504/34 of the Indian Penal Code and later on Section 307 of the Indian Penal Code was added.

According to prosecution case, there is allegation against the petitioner that he assaulted on the head of the informant by means of khanti causing injury on her hand and got fractured.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that allegation



against the petitioner that he assaulted with khanti blow upon the informant but the injury report does not support the allegation, as alleged in the F.I.R. He further submits that the present case is the counter blast of Baheri P.S. Case No. 271/2020 filed by the co-accused Binesh Yadav against the informant and his family members and there is admitted land dispute between the parties. He further submits that both side sustained injury and similarly situated co-accused, namely, Ram Nath Yadav, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 27.07.2022 passed in Cr. Misc. No. 36001 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.08.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VII, Darbhanga, in connection with Baheri P.S. Case No.272/2020, subject to 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 witnesses, 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 antecedent, 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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