

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20924 of 2024

Arising Out of PS. Case No.-367 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

Kamalkant Yadav SON OF RAMSAWROOP YADAV Resident Of Village
-Gordhowa Ps -Muffasil District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Mufassil P.S. Case No. 367 of 2023 dated 01.11.2023 instituted for the offence punishable under Sections 147, 149, 341, 323, 307, 354(B) of the IPC.

3. As per prosecution case, the informant and her family members were roughed up by the FIR named accused persons including the petitioner on the pretext of land dispute wherein they received injuries. It is also alleged that the informant was mishandled indecently in order to outrage her modesty by one FIR named accused, Ajit Yadav. Her Mangal Sutra was also snatched by other accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. It is



submitted that both the parties are agnates and there is case and counter case between them. A counter case bearing Mufassil PS Case No. 377/2023 has been lodged by mother of the petitioner against the informant and others for the offence punishable under Sections 147, 149, 323, 374, 504, 506/34 of the IPC. Learned counsel next submits that the date of occurrence is 29.10.2023 but the FIR has been lodged on 01.11.2023 and the said FIR was sent to the court below on 06.11.2023 and there is no cogent reason for the said delay. It is also submitted that a partition suit, which was going on between the parties, has been decreed in favour of petitioner bearing Partition Suit No. 161/2023. It has further been submitted that, in fact, there is land dispute between the parties and due to sudden provocation, the present occurrence took place. The allegation against the petitioner is that he attacked one Suresh Yadav by the butt of the pistol on his face leading to loss of his two teeth and the said injury is found to be grievous in nature. Lastly, it has been submitted that the petitioner has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the



event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Mufassil P.S. Case No. 367 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Nawada, subject to conditions as laid down under Section 438(2) of the Cr.P.C with further following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Khatim Reza, J)

perwez

U		T	
---	--	---	--

