

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23693 of 2024

Arising Out of PS. Case No.-773 Year-2023 Thana- BAGHA District- West Champaran

Krishna Yadav @ Krishna Kumar Yadav, Male, aged about 24 years, S/O- Raj Kumar Yadav, R/O- Village- Bankatwa, Ward No.- 21, P.S.- Bagaha, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Waliur Rahman, Advocate Mr. Ram Kishun Prasad, Advocate
For the State	:	Mr. Shailendra Kumar Singh
For the Informant	:	Mr. Milind Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State as well as learned counsel for the informant, who has appeared *suo motu*.

2. The petitioner seeks bail in connection with Bagaha PS Case No.773 of 2023 dated 20.11.2023, instituted for the offence punishable under Sections 147, 149, 341, 323, 324, 307, 337, 379, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioner is that he along with co-accused, Anmol Yadav, at the instance of co-accused Raj Kumar Yadav, assaulted the informant by means of spear causing injury in his head and hand.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is submitted that there is specific allegation against the petitioner that he assaulted with spear on the head of the informant, but from the injury report of the informant, Sonu Kumar, it appears that the cause of injury is hard and blunt object and the nature of injury is grievous. It is further submitted that both the parties are co-villagers and there is admitted land dispute between the parties. It is also submitted that two criminal cases are pending against the petitioner out of which one criminal case has been lodged by the same informant. Lastly, it is submitted that the petitioner is in custody since 08.12.2023.

5. Learned APP as well as learned counsel appearing for the informant has opposed the prayer for bail. Learned counsel for the informant submits that earlier case was lodged by the informant, Sonu Kumar, against the petitioner and other family members under Section 302 and other allied sections of the Indian Penal Code and another case i.e., Bagaha PS Case No.611 of 2023 has been lodged by the uncle of the informant under Sections 341, 323, 385, 504, 506/34.

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



the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM, 1st, Bagaha, West Champaran, in Bagaha PS Case No.773 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his 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, and (iv) that 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.

7. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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

