

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39707 of 2024

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

Raj Kumar @ Raj Kumar Yadav, Male, aged about 71 years, son of Late Baldeo Yadav, Resident of 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. Ram Kishun Prasad, Advocate
For the State	:	Mr. Bisheshwar Ram, APP
For the Informant	:	Mr. Milind Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 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 apprehends arrest 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 on his order, co-accused, Anmol Yadav and Krishna 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 further submitted that the allegation against the petitioner is of order giver. It is further submitted that both the parties are co-villagers and there is admitted land dispute between the parties. There is case and counter case between the parties. Further submission is that co-accused, Krishna Yadav @ Krishna Kumar Yadav, has been granted bail by this Court vide order dated 18.04.2023 passed in Cr. Misc. No.23693 of 2024. It is also submitted that four criminal cases are pending against the petitioner and petitioner is an old man.

5. Learned APP as well as learned counsel appearing for the informant has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 learned ACJM, 1st, Bagaha, West Champaran, in Bagaha PS Case No.773 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (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 allowed.

(Khatim Reza, J)

J. Alam/-

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