

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39600 of 2024

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

Golu Yadav @ Amit Yadav S/O Late Rama Kant 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 Opposite Party/s	:	Mr. Pranav Kumar, APP
For the informant	:	Mr. Milind Kumar Mishra
		Mr. Yogendra Tiwari, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 23-08-2024 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, 504 and 506 of the Indian Penal Code.

3. The allegation against the petitioner is that he assaulted by means of spear on the temporal of the father of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the case. It is further submitted that there is specific allegation



against the petitioner that he assaulted on the head of the father of the informant by means of spear. On the other hand, from perusal of the injury report of the father of the informant, it is evident that doctor has found lacerated wound on right auricular region 2cm x $\frac{1}{4}$ cm x $\frac{1}{4}$ cm. The same appears to be superficial in nature. It is further submitted that other co-accused, namely, Raj Kumar @ Raj Kumar Yadav and Anmol Yadav, have been granted anticipatory bail by this Court *vide* orders dated 10.07.2024 and 02-08-2024 passed in Cr. Misc. Nos. 39707 of 2024 and 53890 of 2024 respectively. 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. Lastly, it has been submitted that petitioner has one criminal case against him.

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)

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