

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64109 of 2023

Arising Out of PS. Case No.-188 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

Kaila Yadav S/O Late Chhattu Yadav R/O Mohalla- Shyamlal Das Lane,
Ishakchak, P.S- Ishakchak, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 18-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Ishakchak P.S. Case No. 188/2022 registered for the offences
punishable under Sections 341/323/307/385/379/338/34 of the
Indian Penal Code.

3. As per prosecution case, petitioner is said to have
assaulted the informant by means of rod. It is further alleged
that other co-accused also assaulted the informant by means of
rod on the stomach and other parts of the body.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case due to
dirty village politics. The petitioner is languishing in custody



since 22.12.2022 and bears criminal antecedent of three cases. He further submits that only allegation against the petitioner is said to have assaulted the informant by means of rod and there are several co-accused who are said to have assaulted on the head and other parts of the body. The learned counsel for the petitioner orally submits that all the injuries are simple in nature and charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st class, Bhagalpur in connection with Ishakchak P.S. Case No. 188/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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