

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74639 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- HAYAGHAT District- Darbhanga

Shambhu Yadav @ Shamparbhu Yadav jSon of Yodani Yadav Resident of
Pauram, Police Station- Hayaghat, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Hayaghat P.S. Case No. 67 of 2023 registered for the offences punishable under Sections 341, 323, 354, 308, 452, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have assaulted the informant by means of lathi on her head as a result of which she sustained injury.

4. Learned counsel for the petitioner submitted that petitioner is innocent and has not committed any offence as alleged in the first information report. He has been falsely implicated in this case. Learned counsel submitted that wife of the petitioner has filed earlier case i.e. Hayaghat P.S. Case No.



66 of 2023 on the same date of occurrence regarding picking of Mango by the children, and on the same day the present case i.e. Hayaghat P.S. Case No. 67 of 2023 has been filed by the informant merely to overcome the F.I.R. filed by the wife of the petitioner. There is case and counter case between the parties and free fighting cannot be ignored. It is further submitted that though there is allegation against the petitioner of assaulting the informant, but both are co-villagers and there was no intention to kill and scuffle took place on the trivial issue of picking Mango by the children. The very genesis of the prosecution story indicates that there was no intention to kill the informant. Petitioner bears no criminal antecedent and is in custody since 02.09.2024. Charge-sheet has already been submitted 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 been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and the materials available on the record, let the petitioner above named be released on bail on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Darbhanga in connection with Hayaghat P.S. Case No. 67 of 2023, 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 tamper 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)

mcverma/-

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

