

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73728 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- MANJHAGARH District- Gopalganj

Ramadhar Yadav Son Of Late Shivnarayan Yadav Resident Of Village
Sahladpur Police Station Manjhagarh , District - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr.Thakur Brajesh Singh,learned counsel for
the petitioner and Mr.Shailendra Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Manjhagarh P.S.Case No.75 of 2023,FIR dated
16.03.2023 registered for the offences punishable under
Sections 341,323,324,307,354,504 and 506/34 of IPC.

3. Allegation against the petitioner is that he assaulted
by means of rod on the head of the son of the informant due to
which his head got ruptured.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that both the
parties are Gotiyas and due to admitted land dispute the present



occurrence had taken place. As per allegation in the FIR that the petitioner has assaulted with iron rod to one Ramesh Yadav but there is no injury report available on the record to suggest that said Ramesh Yadav has received any injury and Officer-in-Charge of the concerned Police Station has enquired about the injury report of Ramesh Yadav. The Primary Health Centre, Manjhagarh has informed vide letter dated 09.08.2023 that Ramesh Yadav was treated in the Primary Health Centre, Manjhagarh on 10.03.2023 as a general patient in OPD and no treatment for any injury was given to Ramesh Yadav and even in the case diary no injury report is available with respect to Ramesh Yadav.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Manjhagarh P.S.Case No.75 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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