

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80136 of 2023

Arising Out of PS. Case No.-153 Year-2023 Thana- BARHAT District- Jamui

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JAINANDAN YADAV @ DHAKO YADAV Son of Late Ganauri Yadav
Resident of village - Teghara, P.S.- Barhat, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2024 The present case has been listed under the heading
“To be Mentiond”.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with Barhat
P.S. Case No. 153 of 2023 registered for the offences punishable
under Sections 341, 323, 307, 354, 379, 427, 504, 506/34 of the
Indian Penal Code.

4. As per prosecution case, petitioner and others
armed with tangi, khanti, lathi and iron rod are said to have
entered the informant’s house in a premeditated manner. It is
alleged that petitioner assaulted the informant by means of tangi



upon his head as result of which he sustained head injury. It is further alleged that petitioner kicked the informant's wife upon her abdomen due to which she fell on the ground. It is further alleged that petitioner pointed pistol on the temple of Ranjana Devi and threatened to kill. It is further alleged that Rs. 70,000/- and jewelry of other women were also snatched.

5. Learned counsel for the petitioner submits that the informant sustained simple injury which was caused by hard and blunt substance. Though, the allegation of assault upon the head of the informant is against the petitioner by means of tangi which is a sharp cutting weapon but the said allegation is not corroborated by injury report of informant. He further submits that the injury of injured Ranjana Devi is also found simple in nature. Learned counsel for the petitioner submits through supplementary affidavit that informant's wife has not sustained any injury. From the perusal of F.I.R., it appears that there is land dispute between the parties and in the case of land dispute, facts are generally exaggerated to make the offence graver. He further submits that the allegation of snatching jewellery and money is ornamental in nature. In the light of the facts and circumstances of the case, no case is made under Section 307 and 379 of the I.P.C. Petitioner is in custody since 20.09.2023



and bears criminal antecedent of one case in which he is on bail. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

7. Considering the facts and circumstances of the case, period of custody, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Jamui in connection with Barhat P.S. Case No. 153 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 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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