IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82439 of 2024

Arising Out of PS. Case No.-1011 Year-2023 Thana- LAKHISARAI District- Lakhisarai

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Chamo Yadav @ Uttam S/o- Ram Balak Yadav RO- Lakhisarai Bypass Behind the St. Joseph School Lakhisarai PS and District- Lakhisarai

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rabi Bhushan, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Lakhisarai(Kabaiya) P.S. Case No. 1011 of 2023, registered for the offences under Sections 452, 341, 323, 324, 354(B), 427, 379, 307 & 34 of the Indian Penal Code.

3. As per the prosecution case, petitioner and co-accused persons entered into the house of the informant and disrobed her with intention of committing rape. The aunt of the husband of the informant came and raised alarm and thereafter, the family members of the informant reached there. Thereafter, the petitioner and co-accused persons assaulted them causing a number of injuries to the informant and her family members.

4. Learned counsel appearing on behalf of the

petitioner submits that the petitioner is innocent and has been falsely implicated in this case in the background of previous enmity. The petitioner and informant are co-villagers and next door neighbours and there is dispute regarding drainage between the parties. Only specific allegation against the petitioner is that of assaulting the relative of the informant Sukho Yadav by means of *khanti* and his injuries are found to be grievous but not dangerous to life. There has been delay in lodging the FIR as the FIR has been lodged after 24 hours though police station is quite nearby. The petitioner has got antecedent of two cases in which he is on bail. The petitioner is in custody since 17.09.2024 and charge sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the nature of allegation and submission of charge sheet against the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned CJM, Lakhisarai/concerned court, in connection with Lakhisarai(Kabaiya) P.S. Case No. 1011 of

2023, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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