

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83865 of 2024

Arising Out of PS. Case No.-141 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

Jay Prakash yadav S/o- Shivnath Yadav Village- Kulahariya PS-Buxar
Muffasil, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Adv.
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Mungeshwar Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 25-02-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner seeks bail in connection with Buxar
(Muffassil) P.S. Case No. 141 of 2021 instituted for the
offences under Sections 341, 307, 324, 326/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is of assaulting the Informant's brother Ramashray
Yadav by means of sword due to which his hand got chopped
off. It is also alleged that the co-accused also opened fire but, no
one got injured.

4. The petitioner has earlier moved before this Court



with a prayer for anticipatory bail before this Court which were dismissed by a Co-ordinate Bench of this Court vide orders dated 23.08.2022 and 20.03.2024 passed in Cr. Misc. Nos. 1588 of 2022 and 32552 of 2023 respectively.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. There is a chronic land dispute between the parties and there is also criminal litigation pending being Buxar (Muffasil) P.S. Case No. 189 of 2019 and its counter version being Buxar (Muffasil) P.S. Case No. 190 of 2019 and Buxar (Muffasil) P.S. Case No. 237 of 2019. He further submits that the injury sustained by the injured Ramashray Yadav is not on the vital part of the body and thus Section 307 I.P.C. is not attracted against the petitioner. The petitioner has two criminal antecedents in which he is on bail and is languishing in judicial custody since 28.08.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. There is direct and specific



allegation of assault against the petitioner. The injury report supports the prosecution case. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 341, 307, 324, 326/34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner has two criminal antecedents and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case and the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar (Muffassil) P.S. Case No. 141 of 2021, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

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