

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.19538 of 2019**

Arising Out of PS. Case No.-337 Year-2018 Thana- BALIYA District- Begusarai

NIRAJ YADAV, Son of Ramanand Yadav @ Ramanand Lal, Resident of  
Village- Bari Baliya, P.S.- Baliya District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Arun Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER**

2      02-04-2019                      Heard leaned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since 27.11.2018 in a case registered for the offences punishable under Sections 460, 382 and 307/34 of the Indian Penal Code.

The prosecution case is that on 23/24.11.2018 at about 09.30-10.00 P.M., the informant was sleeping in her house along with her two children, in the meantime, the petitioner Niraj Yadav and co-accused, Kaitha Yadav tried to commit theft of a box containing gold ornaments, cash amount of Rs.20,000/- and other articles from the house of the informant. On protest being



made, co-accused, Kaitha Yadav cut the neck of the informant with a sharp cutting weapon and the petitioner assaulted with a sharp iron weapon on the head of the informant, as a result, the informant fell down and all the accused persons on assuming the informant dead, flee away from the scene.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 23/24.11.2018 at 09.30-10.00 P.M., the FIR has been registered on 26.11.2018 at 01.30 P.M. The specific accusation of cutting the neck of the informant by a sharp cutting weapon is against the co-accused, Kaitha Yadav. It is alleged against the petitioner that he assaulted the informant with sharp cutting weapon on his head but the doctor did not mention any opinion in that regard in the injury report. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the accusation of assault by the petitioner not being corroborated by any medical opinion and the fact that the investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above



named petitioner 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 **Sessions Judge, Begusarai** in connection with **Baliya P.S. Case No.337 of 2018.**

**(Dinesh Kumar Singh, J)**

Deepak/-

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