

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 25392 of 2020

Arising Out of PS. Case No.-290 Year-2019 Thana- SADAR District-Darbhanga

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Udesh Kumar Yadav @ Udhesh Yadav, aged about 55 years (Male), son of
Ram Nandan Yadav, resident of Village-Ramsalla, P.S.-Sadar, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar with
Mr. Vinay Kumar Mishra, Advocates
For the State : Ms. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-12-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Manoj Kumar, learned counsel along
with Mr. Vinay Kumar Mishra, learned counsel for the
petitioner and Ms. Veena Kumari Jaiswal, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner apprehends arrest in connection with



Sadar PS Case No. 290 of 2019 dated 17.07.2019, instituted under Sections 323/325/307/379/504/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is of assault and against another co-accused it is specific of inflicting blow on the head by *farsa* but against the petitioner it is of hitting on the waist by *kudaal*.

5. Learned counsel for the petitioner submitted that though the First Information Report discloses that there was assault by many persons, but against the petitioner it is specific that he gave *kudaal* blow on the waist of the informant resulting in fracture of bone. Learned counsel submitted that the injury report does not disclose any such major injury and it only says bone injury caused by hard blunt substance and X-ray was advised. Learned counsel submitted that the petitioner has no criminal antecedent. It was submitted that there was a minor skirmish between both the sides but nothing of serious nature as has been made out in the FIR.

6. Learned APP, from the case diary as well as the injury report and also X-ray report of the informant, submitted that as per the supplementary case diary, when the police had gone to collect the X-ray report from the informant he had



stated that because of flood all the records were destroyed.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in Sadar PS Case No. 290 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and subject to further conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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