

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37144 of 2021

Arising Out of PS. Case No.-253 Year-2020 Thana- ALOULI District- Khagaria

MANOJ YADAV S/o Nageshwar Yadav R/o village- Ladoura, P.S.- Allauli,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar- Advocate
For the Informant	:	Mr. Bishweshwar Ram- Advocate
For the State	:	Mr. Jai Narain Thakur- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2021 Heard the learned Advocate for the petitioner and
the learned APP for the State.

The petitioner seeks bail in connection with Suppl.
Alauli P. S. Case No.253 of 2020, instituted for the offences
under Sections 147, 148, 149, 307, 323, 325, 384, 379 of
the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that
the petitioner is in custody since 08.02.2021 and charge-
sheet has been submitted in this case.

The learned counsel for the petitioner further
submits that from perusal of the allegation as alleged in the
F.I.R., it would manifest that the informant alleges that on



24.08.2020 at about 2.00 P.M., he along with his son were sitting in their shop when the F.I.R. named accused persons arrived at the shop carrying deadly weapon and one accused Bhogal Yadav put 3 knots on the temple of the informant's son with an intention to kill him and demanded Rs.50,000/- as ransom. On refusal, it is alleged that this petitioner assaulted the son of the informant with Khanti on his head and he fell down and thereafter accused snatched Rs.15,000/- and other female family members were also assaulted by the accused persons and they fled away firing in the air.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that 11 named accused persons were there and against this petitioner, it is alleged that he assaulted with khanti on the head of the informant's son. There is land dispute between the parties as a result of which, the petitioner came to be falsely implicated. The nature of injury as recorded by the private doctor is that he sustained injury on the temple region and the injury sustained in the brain is simple fracture.



The learned counsel further submits that it does not stand to reason that how there can be fracture in the brain. This amply demonstrates that the injury report was manipulated by the private doctor.

The Learned counsel for the informant as well as A.P.P. opposed the bail application and submitted that there is direct allegation against this petitioner of assaulting but fairly submits that as far as demand of *rangdari* is concerned, that is against Bhogal Yadav.

Considering the fact that the petitioner is in custody since 08.02.2021 and charge-sheet has been submitted in this case and injury is said to be simple fracture in the brain, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Suppl. Alauli P. S. Case No.253 of 2020, with a condition that petitioner will have to mark his attendance before the concerned police station in between 20th to 25th of every month commencing from January, 2022, till the



charges are not framed. In the event, the concerned police station reports to the learned Court below that petitioner has violated the condition imposed as aforesaid in any of the month, the learned Court below will be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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