

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12389 of 2022**

Arising Out of PS. Case No.-252 Year-2021 Thana- BANKA District- Banka

Julmi Yadav @ Balmukund Kumar @ Balmukund Yadav aged about 24 years,
Gender-Male, Son of Shambhu Yadav Resident of Village - Deshariya, P.S.
and District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 13-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Banka
P.S. Case No. 252 of 2021, registered for the offence under
Sections 341, 323, 307 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.11.2021.

The allegation against the petitioner is to assault the
brother of the informant with deadly weapons like knife with
intention to cause death, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner has been falsely implicated in this case for local political rivalry. It is submitted that the allegation, as regard to assault, is very much general and omnibus and further, the injury, alleged to be caused by the petitioner, is found to be simple in nature, on medical examination. It is further submitted that from the fact of this case, it cannot be gathered that petitioner was under intention to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the allegation, as regard to assault, is very much general and omnibus.

Considering the facts and circumstances as mentioned above, as the allegation of assault is very much general and omnibus having simple injury, negating the intention to cause death coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Banka P.S. Case No. 252 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate Banka, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Pabiya Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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