

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16311 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- BARHAT District- Jamui

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1. JUGAL @ YUGAL YADAV Son of Late Kanhaiya Yadav Resident of Village- Banjhipayar, P.S.- Barhat, District- Jamui.
 2. Krishna Yadav Son of Yugal Yadav Resident of Village- Banjhipayar, P.S.- Barhat, District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mala Sinha, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-07-2022 At the outset, learned counsel for the petitioners submit that in paragraph-16 of the bail application, it has wrongly been typed that the petitioners are in custody since 03.02.2021. Instead, it is submitted by him that the petitioners are in jail since 03.02.2022 and the same should be read as such.

Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are in judicial custody in connection with Barhat P.S. Case No. 80 of 2020 for the offences under Sections 147, 148, 149, 341, 323, 385, 354 and 307 of the



Indian Penal Code.

The allegation in the FIR is that accused persons assaulted the informant, her husband and her son. The allegations have been attributed to accused persons inasmuch as against petitioner no. 1, Jugal @ Yugal Yadav, it has been alleged that he assaulted the informant lady on her ear and the injury has been found to be grievous in nature. So far as petitioner no. 2, Krishna Yadav is concerned, it has been alleged that he assaulted on the leg/thigh of the informant's husband.

Learned counsel for the petitioners submit that there had been quarrel between the two parties which led to case and counter case and the petitioner no. 2 also suffered injuries as would be seen from the injury report in which the doctor has opined the said injury to be grievous in nature.

Taking into account the allegation in the FIR while the bail application of the petitioner no.1, namely, Jugal @ Yugal Yadav is rejected, so far as the petitioner no. 2, namely, Krishna Yadav is concerned, this Court is inclined to grant him the privilege of bail, subject to certain conditions.

Let the petitioner no.2, namely, Krishna Yadav be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the



satisfaction of Judicial Magistrate-1st Class, Jamui in connection with Barhat P.S. Case No. 80 of 2020, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application of petitioner no. 1 is rejected and the petitioner no. 2 is allowed.

(Rajiv Roy, J)

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