

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24659 of 2022

Arising Out of PS. Case No.-1052 Year-2021 Thana- ARARIA District- Araria

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RANJEET YADAV Son of Jagdish Yadav Resident of Village - Kharaiya
Basti, Ward No. - 10, P.S.- Araria, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rina Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Ramesh Kumar Singh, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Araria P. S. Case No. 1052 of 2021
registered for the offences punishable under Sections 341, 323,
448, 307, 354 (B) read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that due to
prior inimical term with the informant's son, all the accused
persons variously armed with *Lathi*, *Danda* and Axe and pistol



came to the house of the informant and started assaulting the son of the informant. When the husband of the informant came to rescue his son, the petitioner assaulted him on his head and thereafter, gave repeated blow of axe on various parts of the body.

Learned counsel appearing on behalf of the petitioner submitted that though there is specific allegation against this petitioner that he assaulted the husband of the informant by means of axe repeatedly but the same has not been corroborated by the injury report. It is further submitted that from the injury report, it appears that the petitioner has sustained only two injuries, one over his head and another injury which resulted into broken of his teeth, that has been found to be grievous in nature. It is next submitted that the injury report has been prepared on the basis of medical report obtained from a private clinic, which is not reliable. It is also submitted that on account of previous enmity a free fight was taken place, which resulted into the injuries from both the sides and moreover, there is a counter version of this case, which was registered by the father of the petitioner being Araria P. S. Case No. 1052 of 2021. It is further submitted that though the alleged occurrence took place on 12.12.2021 but the present F.I.R. has been



instituted on 14.12.2021 in as much as the petitioner is in custody since 26.02.2022, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation against this petitioner that he assaulted the husband of the informant causing grievous injuries.

Having considered the submissions made on behalf of the parties and taking into account the fact that the injury report does not fully corroborate the prosecution case of assaulting the injured by causing repeated blow of axe, apart from the fact that there is admitted enmity between the parties and the petitioner is in custody since 26.02.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P. S. Case No. 1052 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of



trial till disposal of the case.

- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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