

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28138 of 2022

Arising Out of PS. Case No.-210 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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HARENDRA YADAV SON OF LATE CHHABILA YADAV R/O- VILL-
MISHRAVALIYA, P.S.- G.B. NAGAR (TARWARA), DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with G.B. Nagar P.S. Case No. 210 of 2020 for the offences
under Sections 341, 323, 325, 307, 504, 506 and 34 of the
Indian Penal Code.

As per the prosecution story, the informant has
alleged that due to stolen sand, the dispute arose between them
and it is alleged that accused persons armed variously stormed
their house and assaulted each and everyone and the further
allegation against the petitioner is that he gave sword blow to
Kiran Devi causing head injury to her.

Learned counsel for the petitioner with the support of



Annexure-2, which is the injury report of Kiran Devi, submitted that a bare perusal of the medical report shows that the same is simple in nature. He further submits that he has been in custody since 28.03.2022 (as stated in paragraph-14 of the bail application).

Learned counsel for the informant, on the other hand, submit that the petitioners are known criminals and are in regular habit of assaulting the informant and his family members and have also committed crime vide Maharajganj P.S. Case No. 200 of 2021 in which he has also been named as an accused.

Be that as it may, so far as the present case is concerned, the allegation against him is of assaulting Kiran Devi and the injury report shows that the same is simple in nature, is in custody since 28.03.2022, charge sheet stands submitted, this Court is inclined to grant him privilege of bail with condition in view of the fact that he has criminal antecedent.

Let the petitioner 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 learned Judicial Magistrate-1st Class, Siwan in connection with G.B. Nagar P.S.



Case No. 210 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 appear before the concerned police station every month for one year to mark his presence;

(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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