

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.30294 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- PAKARIBARAW District- Nawada

Ranjit Yadav @ Ranvir Yadav, aged about 32 years, Son of Late Raghav Yadav @ Late Ragho Yadav, Resident of Village - Kartara, P.S. - Pakribarawan, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manisha Prakash, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2022 Heard Mr. Manisha Prakash, learned counsel appearing on behalf of the petitioner and Mrs. Nirmala Kumari, learned A.P.P. for the State.

Petitioner, who is in custody since 26.03.2022, seeks regular bail in connection with Pakribarawan P.S. Case No. 16 of 2022 dated 17.01.2022 registered for offences punishable under Sections 341, 330, 323, 303, 379, 354, 308, 504 and 506/34 of the Indian Penal Code.

Prosecution story in brief is that the informant, who is the eye-witness has made allegation of assault against six named accused in the F.I.R., who all are of same family. Informant has



also sustained injury. There is specific allegation against the petitioner that he had assaulted the father-in-law of the informant by stabbing him with knife.

Learned counsel appearing on behalf of the petitioner submits that the petitioner and informant are agnates and due to flow of drain water from a particular land, both the parties had engaged into scuffle on the alleged date of the occurrence, if any, took place. He further submitted that both the parties sustained injuries and it was the spur of the moment without intention. The informant sustained injury with knife but the same is not corroborated by the injury report and in this regard, he has brought on record injury report of the victim Bhuneshwar Yadav by way of 'annexure-2' to the present bail application. It appears from the injury report that the victim was examined by the doctor of Primary Health Center, Nawada, who on examination had found that injury sustained on the body of the victim Bhuneshwar Yadav was caused by hard and blunt substance. He further submits that petitioner has clean antecedent and he is in custody since 26.03.2022. On these grounds, petitioner seeks to be released on bail.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



Having heard the rival submissions of the parties, specific allegation against the petitioner in the F.I.R. is that he had stabbed on the head of the father-in-law of the informant by means of knife but the injury sustained by him is not corroborated by the finding of the doctor, who had examined the victim Bhuneshwar Yadav, in which he has opined that the injury has been caused by hard and blunt substance. Till date final opinion is reserved. The genesis of the alleged crime having been found to be due to flow of drain water from a particular land which has been claimed by both the parties, who are close family members (agnates). Charge-sheet has already been submitted and the trial is not likely to be concluded in near future. Prima facie it appears that petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with Pakribarawan P.S. Case No. 16 of 2022 dated 17.01.2022 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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