

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38905 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- MAGADH UNIVERSITY District- Gaya

SURENDRA YADAV Son of Mahadeo Yadav Resident of Village- Asni, P.S.-
Magadh University, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 08.03.2021,
seeks regular bail in connection with Magadh University P.S.
Case No. 101 of 2020, for the offence punishable under Sections
147, 148, 149, 923, 323, 307, 341, 504 and 506 of the Indian
Penal Code.

The prosecution case, in brief, is that on
22.08.2020 at about 6.15 P.M., while informant along with his
uncle were sitting at his door, in the meantime, accused persons,
named in the F.I.R., including the petitioner, armed with Lathi,
Danda, Iron rod, Farsa, Khanti and Garnsa came there and



started abusing. On protest, all the accused persons assaulted them. When cousin grandmother and Chandan Kumar, the cousin brother of informant rushed there then they were also assaulted. It is alleged that Mithilesh Kumar, uncle of informant, was assaulted through Khanti by Ramnandan Prasad Shikchhak and Ram Sewak Yadav caused injury at the forehead of the informant through Garasa, Surendra Yadav (petitioner) also assaulted them through Farsa. At that time, Radha Mohan Yadav and Kalyan Yadav caused injury to Upendra Yadav, cousin uncle of informant, through rod and Garasa. Thereafter, informant, and others were rushed to Jai Prakash Narayan Hospital, Gaya for treatment from where seeing the grievous injury of Mithilesh Kumar, he was referred to Patna, while the informant and Upendra Yadav were discharged from there.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation against the petitioner that by using rod and Garasa, he has assaulted the family members of the informant. However, there is direct allegation of assault against Ramnandan Prasad has assaulted with Garansa and rod to Mithilesh Kumar, while Ramsewak Yadav has assaulted to Rajesh. He further submits that even assuming that the petitioner has assaulted Upendra



Yadav from the report of the Doctor, it appears that no grievous injury was found in his person.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that there is direct allegation that petitioner assaulted the Upendra Yadav by means of Farsa and after treatment, he was discharged from the hospital.

Considering the above mentioned facts and circumstances of the case, the learned Court below is directed to examine the injury report of Upendra Yadav and in case there is no grievous injury on his person, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Gaya in connection with Magadh University P.S. Case No. 101 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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