

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40604 of 2021

Arising Out of PS. Case No.-264 Year-2020 Thana- JHAJHA District- Jamui

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Babloo Yadav @ Bablu Yadav S/o- Khublal Yadav R/o Vill- Barmasiya, P.S.-
Jhajha, Distict- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 07-06-2022 Heard Mr. Pankaj Kumar Sinha, learned counsel for the
petitioner and learned Additional Public Prosecutor for the
State.

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.

The petitioner apprehends his arrest in connection
with Jhajha P. S. Case No. 264 of 2020 registered for the
offences punishable under Sections 341, 323, 324, 504 read with
Section 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the
informant was sleeping in his house, he heard some sound
thereupon, he came up and saw the accused persons including



the petitioner were taking liquor and when the same was protested, the petitioner gave sword blow on the left side of his neck. It is also alleged that co-accused Chetan Yadav gave knife blow due to which the informant received injury in his left finger.

At the outset, learned counsel for the petitioner submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioner submits that in fact, the informant was in a drunken position and he fell into bamboo shrubs due to which he received lacerated injury. It is further submitted that the allegation of assault by means of sword has not been corroborated by the injury report in as much as the injuries have been found to be simple in nature caused by the hard and blunt substance. It is next submitted that both the petitioner and the informant are family members and on account of some trivial issue his name has been implicated, though the petitioner has absolutely clean antecedent and he is ready to give undertaking that he will abide by all the terms and conditions, as would be imposed by this Hon'ble Court.



On the other hand, learned Additional Public Prosecutor for the State opposes the bail application but conceded the fact that the injury report does not corroborate the allegation of sword blow over the neck of the informant.

Having considered the submissions made on behalf of the parties and taking into account the fact that the injury report does not corroborate the allegation of causing sword blow over the neck of the informant, apart from the fact that petitioner having clean antecedent and both the parties are family members, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, 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, Jamui or his successor in connection with Jhajha P. S. Case No. 264 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioner.
- (ii) The petitioner will co-operate in the investigation as well as in conclusion of the trial.



(iii) He will not try to tamper with the evidence or
intimidate the witnesses in course of
investigation or during the course of trial.

(Harish Kumar, J)

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