

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44189 of 2021**

Arising Out of PS. Case No.-63 Year-2021 Thana- KAKO District- Jehanabad

1. BHOLA YADAV S/o Madan Yadav R/o village- Niyazipur, P.S.- Kako (Milawar P.O.), District- Jehanabad
2. Ranjit Yadav S/o Bhola Yadav R/o village- Niyazipur, P.S.- Kako (Milawar P.O.), District- Jehanabad
3. Akhilesh Yadav S/o Bhola Yadav R/o village- Niyazipur, P.S.- Kako (Milawar P.O.), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivganga Kumar Gupta, Advocate.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 23-03-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

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

The petitioners seek regular bail in connection with Kako P.S. Case No. 63 of 2021 for the offence punishable under Sections 341, 323, 324, 325, 307, 504 and 506/34 of the Indian Penal Code.



The prosecution story, in brief, is that while the informant was sitting with her parents-in-law, petitioner Bhola Yadav along with his family members came there and started abusing the informant. When the informant protested, petitioner Ranjit Yadav assaulted on the head of her father-in-law Ratan Yadav by means of fasuli, as a result of which, he sustained head injury and bleeding started. Thereafter co-accused Mukesh Yadav assaulted Ratan Yadav by means of iron rod on his head, to which he became unconscious and fell down on the ground. Co-accused Ranju Devi assaulted Ratan Yadav by means of iron rod to which he sustained fracture injury in his left hand. The petitioner Akhilesh Yadav assaulted the informant by means of fasuli, as a result of which, she sustained head injury. Co-accused Punam Devi assaulted her mother-in-law Savitri Devi by means of rod, as a result of which, she sustained fracture injury in her hand and also assaulted on the head of Neelu Devi, as a result of which, she sustained head injury. It is further alleged that all the accused persons assaulted the informant, as a result of which, she sustained fracture injury in her hand and the petitioner Bhola Yadav assaulted her by means of iron rod, as a result of which, her hand got fractured.

Learned counsel appearing on behalf of the petitioners



submits that the petitioners are innocent and they have falsely been implicated in this case and by way of supplementary affidavit, he has brought on record the injury report to which the State counsel has not denied and reference in this regard has also been made in the case diary. There is specific allegation of assault upon the informant to have been committed by petitioner no.1 Bhola Yadav by means of iron rod. From perusal of the injury report, it appears that the informant has sustained simple injury in her hand. So far as the petitioner no.2 Ranjit Yadav is concerned, the informant who is the eye witness of the occurrence has seen him armed with fasuli, however as per the injury report, the injury sustained by her father-in-law Ratan Yadav has been caused by hard and blunt substance and as such the very allegation against the petitioner no.2 is falsified in view of the injury report. The allegation against petitioner no.3 Akhilesh Yadav is not substantiated from perusal of the F.I.R. as well as from the injury report of the informant who has sustained simple injury and the allegation is that petitioner no.3 Akhilesh Yadav assaulted her by means of fasuli on her head.

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

Considering the aforementioned facts and



circumstances of the case as well as having perused the allegation made in the case diary and the injury report which is part of the case diary (Paragraph No.54), it appears that the injury sustained by the informant is simple in nature and the allegation made against petitioner nos.2 and 3 are not supported by the injury report. Prima facie the petitioners have made out a case to be released on bail.

The petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Jehanabad in connection with Kako P.S. Case No. 63 of 2021, subject to the following conditions:-

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

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

(3) If the petitioners tamper 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 petitioners.

(4) If the petitioners are found involved in similar



nature of offence after their release on bail, the trial Court shall
take steps to cancel their bail bonds.

(Purnendu Singh, J)

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