

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35810 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- BHADAUR District- Patna

SHRAWAN KUMAR @ SHARWAN YADAV Son of Shri Alakhdev Yadav
@ Shri Alakh Yadav Resident of village - Adampur, P.S.- Bhadaur, District -
Patna, Bihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-09-2022 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 Bhadaur P.S. Case No. 4/2022 for the offences under
Sections 341, 323, 308, 379 and 504/34 of the Indian Penal
Code and section 27 of the Arms Act.

As per the prosecution story, the informant, Jhuri
Chauhan has alleged that while he was returning home after
purchasing medicines, the accused persons including the
petitioner herein armed variously after abusing him resorted to
assault causing head injury as also injury on his left eye and the
body. The further allegation is of snatching the gold 'tabeez'.
Accordingly, the FIR was instituted.

Learned counsel for the petitioner submits that there is



case and counter case between the parties. While he was made accused in Bhadaur P.S. Case No. 4 of 2022, he has also lodged FIR which has been instituted vide Bahadur P.S. Case No. 5 of 2022. He further submits that even going by the allegations, the same is omnibus in nature and taking into account the aforesaid fact though the injuries have been found to be grievous in nature as it has been incorporated in the observation of the learned Sessions Judge, in absence of his attribution to any specific person, he is entitled to be benefit of doubt so far as the bail application is concerned in the backdrop of the fact that he do not have criminal antecedent.

Learned APP on the other hand, submits that considering the fact that the injuries are grievous in nature, this petitioner does not deserve bail.

Be that as it may, there is omnibus allegation against all the accused persons including the petitioner herein of assaulting the informant, there is case and counter case, the petitioner is in custody since 02.05.2022 (as stated in paragraph-12 of the bail application) and he do not have criminal antecedent, this Court is inclined to grant him privilege of bail. If however it is found that he has criminal antecedent, the bail order shall become infructuous.



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, Barh in connection with Bhadaur P.S. Case No. 4/22, 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 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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