

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51208 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- PALASI District- Araria

BIRENDRA YADAV Son of Govind Lal Yadav Resident of Village- Gachh
Miyanpur Aamgachhi Tola, Ward No. 09, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Rana, Advocate
For the Informant	:	Mr. Madhav Jha, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Palasi P.S. Case No. 364 of 2020 instituted for the offences
under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 15.07.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that petitioner assaulted the son
of the informant by a sword on his head causing injury. Further
Vijay Yadav assaulted the informant by iron rod on his head



causing injury and when second son of the informant came to save them then he was also assaulted.

Learned counsel for the petitioner submits that the informant very specifically has alleged that this petitioner assaulted his son by sword on his head causing injury, when the injury report records that the injury was caused by hard and blunt substance, though the injury has been found to be grievous, thus it is submitted that the allegation of assault by sword does not get corroborated by the injury report.

The learned counsel for the informant opposes the bail application and submits that there is a direct allegation of assault causing grievous injury, but is not able to meet the submission of the learned counsel for the petitioner that the injury report does not corroborate the allegation as alleged in the FIR.

Further learned counsel for the petitioner submits that Manita Devi, wife of the younger brother of the petitioner, instituted Palasi P.S. Case No. 365 of 2020 against the informant's side, as such, there is a case and counter case. Learned counsel further submits that even presuming what has been alleged is true without admitting then it is the first offence of the petitioner.

Learned A.P.P. for the State vehemently opposes the



prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and the injury does not get corroborated with the allegation in the FIR and it is the first offence of the petitioner as submitted, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Araria in connection with Palasi P.S. Case No. 364 of 2020.

(Satyavrat Verma, J)

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