

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54965 of 2021

Arising Out of PS. Case No.-296 Year-2019 Thana- PHULPARAS District- Madhubani

Binod Yadav @ Vinod Yadav, Son of Late Ramlochan Yadav @ Lochan
Yadav, Resident of Village - Phulparas, P.S.- Phulparas, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Udbhav, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-04-2022 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.

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Phulparas P.S. Case No. 296 of 2019 for the offences under Sections 447, 448, 341, 323, 324, 307, 504/34 of the Indian Penal Code.

The prosecution case is that on the alleged date of occurrence i.e. on 30.06.2019 the accused Binod Yadav (petitioner) and Saroj Yadav were abusing the informant and when the same was protested, the accused persons assaulted the



informant with Farsa on his head, however, the same was hit on his stomach and he received serious injuries and fell unconscious.

It is submitted on behalf of learned counsel for the petitioner that the petitioner and the informant are the own brothers and the occurrence has taken place on 30.06.2019, however, the F.I.R. has been registered on 27.07.2019, after a delay of 26 days and no explanation has been given for the said delay. It is further contended that the injured (informant) was examined at DMCH and the injury was found to be simple in nature. However, later on, the Doctor of Sub-Divisional Hospital, Fulparas where initially the injured was examined submitted its report after 11 months showing the injury as grievous in nature. It has also pointed out by the learned counsel for the petitioner that the mother of the petitioner and the informant has given different version of the occurrence. It is next contended that the petitioner is in custody since 08.04.2021 and there is a partition dispute between the parties.

On the other hand, learned APP for the State opposes the prayer for bail and submitted that the petitioner has criminal antecedent and he has been found involved in one another case.

Having heard the learned counsel for the parties and



taking into consideration the fact that there is a delay of 26 days in lodging the F.I.R. and the injury has been found to be simple in nature, apart from the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Jhanharpur in connection with Phulparas P.S. Case No. 296 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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