

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60304 of 2021

Arising Out of PS. Case No.-293 Year-2020 Thana- BABUBARHI District- Madhubani

NAGESHWAR YADAV Son of Raslal Yadav Resident of Village- Khargbani,
P.S.- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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
Babubarhi P.S. Case No. 293 of 2020 corresponding to C.R.I.
No. 2035 of 2020 instituted for the offences under Sections 341,
323, 324, 307, 354(A), 379, 504 and 506/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.08.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that she took her grand-
daughter to the field for getting her attend the call of nature
when the petitioner along with Jagadish Yadav and Nilam Devi



came and started abusing the informant on which she objected. Thereafter, the petitioner with farsa and Jagadish Yadav with iron rod assaulted the informant causing injury on her head and the petitioner also outrage the modesty of the informant. Thereafter, Nilam Devi also assaulted the informant by iron rod and snatched her silver chain and informant was taken to Babubarhi P.H.C. for treatment.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that there was a dispute between the informant and the petitioner with regard to the place which was being used by the grand-daughter of the informant for attending her call of nature. It is further submitted that though it is alleged that the petitioner and Jagadish Yadav assaulted with farsa and iron rod on the head of the informant and the Doctor has reserved the opinion with regard to the injury but the impugned order records that the Doctor has found stitched wound on scalp. Learned counsel, thus, submits that the injury found on the head appears to be a cut wound which was stitched by the Doctor. Learned counsel also submits that even assuming what has been alleged is true without admitting for the purposes of bail then the occurrence took place in heat of moment and the petitioner is a person with



clean antecedent.

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, 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, Madhubani in connection with Babubarhi P.S. Case No. 293 of 2020 corresponding to C.R.I. No. 2035 of 2020.

(Satyavrat Verma, J)

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