

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59908 of 2021

Arising Out of PS. Case No.-502 Year-2020 Thana- AMARPUR District- Banka

GIRIDHARI YADAV @ GRIDHARI YADAV Son of Prasadi Yadav Resident
of Village- Gururaydih, P.s.- Fullidumar (Amarpur), District- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-05-2022 Heard counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

Petitioner is in judicial custody in connection with Amarpur (Fullidumar) P.S. Case no. 502 of 2020 registered under sections 147, 149, 341, 323, 307, 325, 379 and 504 of the Indian Penal Code.

Allegations against accused persons including the petitioner herein is/ are that cattle of the petitioner were grazing in the field of the informant and when objected to it, both the informant and his brother were assaulted resulting into injury on the head of his brother and fracture of the informant's teeth. Allegations against other accused persons are also of assault. Lastly, it has been alleged that petitioner snatched silver chain



of 06 gram from neck of the informant's brother.

Learned counsel for the petitioner submits that the injury on the head has been found to be simple in nature, although some tooth were broken which the doctor has opined to be grievous in nature. He further submits that for the said occurrence, he has suffered a lot by being in jail since 03.09.2021 (as stated in para-11 of the bail application). He further submits that he has no criminal antecedent.

Mr. Jitendra Kumar Singh, learned APP has gone through the case diary and has concurred that the injury on the head has been found to be simple in nature while the tooth that were broken has been found to be grievous.

Considering the fact that the head injury has been found to be simple in nature, he has no criminal antecedent, charge sheet stand submitted and he is in jail since 03.09.2021, this Court is inclined to grant him the privilege of bail subject to the fact that if it is found that contrary to the statement made in para-3 of the bail application, he do have criminal antecedent, this 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 the like amount each in connection with Amarpur (Fullidumar) P.S.



Case no. 502 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner 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)

Prakash Narayan /-

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