

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61728 of 2021

Arising Out of PS. Case No.-354 Year-2021 Thana- GOGRI District- Khagaria

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BECHAN YADAV S/o Shivji Yadav Resident of Village - Ratan, P.S. - Gogri,
District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-03-2022

Heard.

The petitioner seeks regular bail in connection with Gogri P.S. Case No. 354/2021, G.R. No. 2465 of 2021, registered for the offence punishable under sections 341, 323, 324, 326, 307, 379/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having assaulted the informant while he was passing through the street in question. As far as the petitioner is concerned, he is stated to have given an axe blow on the head of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 04.08.2021. The learned counsel



for the petitioner has further submitted by referring to the injury report that the informant has received one laceration wound of approximately 1" in length and .3" in depth on the head and according to CT scan report one depressed fracture has been shown on the head. The learned counsel for the petitioner has also referred to the CT scan of the brain of the informant to submit that except one depressed fracture, no other injury has been found on the head. It is also submitted that the present case arises out of case and counter case, arising out of the very same incident, counter case having been filed by the aunt of the petitioner.

Per contra, the learned APP for the State, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record, this Court finds that not only the petitioner but two other co-accused persons namely Shoshit Yadav and Jitendra Yadav are also alleged to have assaulted the informant on his head, however, the injury report shows only one injury to have been inflicted upon the informant, and that too by a hard and blunt



substance, which cannot *prima facie* be an axe and moreover, the petitioner is having a clean antecedent and is languishing in custody since about 8 months. Considering the facts and circumstances of the case including the allegation levelled against the accused persons including the petitioner regarding assault upon the informant vis-a-vis his injury report and for the reasons mentioned herein above, I find that benefit of doubt can be granted to the petitioner for the purposes of grant of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 354 of 2021, G.R. No. 2465 of 2021.

(Mohit Kumar Shah, J)

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