

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68694 of 2021**

Arising Out of PS. Case No.-153 Year-2021 Thana- KHIJARSARAI District- Gaya

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SANJAY YADAV @ SANJAY KUMAR YADAV Son of Bhagwat Yadav @
Bilas Yadav Resident of Village - Pachoi, P.S.- Khizarsarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 05-05-2022 Heard.

The petitioner seeks regular bail in connection with Khizarsarai P.S. Case No. 153 of 2021, registered for the offence punishable under sections 147, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

The allegation is regarding the accused persons having arrived at the house of the informant whereafter they are stated to have assaulted the informant and her daughter. As far as the petitioner is concerned, he is stated to have inflicted an iron rod blow on the head of the daughter of the informant, resulting in her being injured.

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 31.08.2021. The learned counsel for the petitioner has referred to the injury report/ medical report of the daughter of the informant to show that the doctor has opined that the injury may be grievous hurt, however, no concrete opinion has been given regarding the injury in question to be grievous in nature. Nonetheless, it is submitted that considering the period of incarceration as also considering the fact that compromise has taken place in between the parties, a sympathetic view may be taken in the present case.

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 as also considering the fact that the petitioner is languishing in custody since about eight months and altercation had taken place at the spur of the moment on account of dispute erupting with regard to use of hand pump apart from the fact that though the injury is serious but the doctor has not concluded the same to be grievous in as much as the doctor has opined that the injury may be grievous hurt, I deem it fit and proper to admit the petitioner to the privilege of regular 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 Additional Chief Judicial Magistrate-IV, Gaya in connection with Khizarsarai P.S. Case No. 153 of 2021.

(Mohit Kumar Shah, J)

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