

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2317 of 2023**

Arising Out of PS. Case No.-494 Year-2020 Thana- PHULPARAS District- Madhubani

BHAGE YADAV @ BHAGESHWAR YADAV S/O JAWAHAR YADAV
Resident of Village- Siswabarhi, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 19-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Phulparas
P.S. Case No. 494 of 2020 registered for the offence under
Sections 452, 341, 323, 324, 307, 354(B), 337, 379, 427, 504
and 506/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.08.2022.

The allegation against the petitioner is to assault
informant, along with other co-accused persons, by means of
spade, causing head injuries, having intention to cause his death,
where, occurrence arises out of previous enmities.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner implicated with this case falsely,



where, allegation as regard to assault is not specific against this petitioner. It is submitted that as per injury report, which is mentioned in paragraph No.24 of the case diary, injury appears lacerated in nature, which is not possible by using alleged weapons, as same by all probability may cause incised wound being sharp cut edged weapon. While traveling over the argument, it is submitted that there is single injury on posterior part of nose, though appears grievous in nature but is not sufficient to cause death in ordinary course of nature and as such is not sufficient to convinced that petitioner was under intention to cause death of informant/injured. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of nature of injury, which is single, where, petitioner is in custody since 22.08.2022 coupled with the fact that charge-sheet has already submitted, let the



petitioner, above named, is directed to be released on bail in connection with Phulparas P.S. Case No. 494 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Jhanjharpur, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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