

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5357 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- MAHESHKHUNT District- Khagaria

GAURAV YADAV S/O VIDHYA NADN YADAV Resident of Village-
Pitounjhiya, P.S.- Gogari, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Maheshkhunt P.S. Case No. 147 of 2022, G.R. No. 1757 of 2022, registered for the offences punishable under Sections 341, 307, 326 and 379/34 of the IPC.

As per allegation, five named accused persons badly assaulted the father of the informant. The allegation against co-accused Vijal Yadav and the petitioner is that they assaulted the injured with *dabiya* (sharp-edged weapon) on his neck, temporal region, lips, etc. and made him badly injured. It has also been mentioned in the FIR that in murder case of grandfather of the informant, the members of defense side were accused.



The learned counsel for the petitioner has submitted that the petitioner is innocent. He is not accused in the murder case of grandfather of the informant. He is not even the co-villager of the co-accused persons. He has falsely been implicated since he is *sala* (brother-in-law) of co-accused Vijal Yadav. He has submitted further that co-accused Vijal Yadav, on similar footing, has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 67030 of 2022. He is under custody since 14.09.2022.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the petitioner was amongst the accused persons, who badly assaulted the injured. The specific allegation against him is that he, along with co-accused Vijal Yadav assaulted the injured by sharp-edged weapon on his jaw, neck, etc. and made him injured. He has submitted further that nature of injury is grievous caused by sharp instrument.

The case of the petitioner is exactly on similar footing than that of Vijal Yadav, who has been granted bail by a coordinate Bench of this Court.

Considering the above-mentioned facts and circumstances as well as the period of custody, let the petitioner



above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Khagaria in connection with Maheshkhunt P.S. Case No. 147 of 2022, G.R. No. 1757 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Kundan/Sudha

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