

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19936 of 2023

Arising Out of PS. Case No.-448 Year-2022 Thana- SHEKHPURA District- Sheikhpora

Birendra Yadav @ Virendra Kumar Yadav S/O Late Gorelal Yadav Resident
Of Village- Lodipur P.S.- Shiekhpur, District- Shiekhpora.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque, Adv.
For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Syed Rizwanul Haque, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Sheikhpura (Kusumbha O.P.) P.S. Case No. 448 of 2022,
registered for the offences punishable under Sections 147, 149,
341, 323, 325, 379, 447, 504 and 506 of the Indian Penal Code.

It is alleged that all the accused persons including the
petitioner and five unknown persons armed with *lathi*, *danda*
and rod intercepted the informant and started abusing. On
protest being made, all of them assaulted the informant causing
serious injuries over his body. It is further alleged that this
petitioner took away Rs. 3,000/- and his mobile.

Learned counsel appearing on behalf of the petitioner



submits that from the FIR it is evident that all the offences as alleged in the FIR are bailable in nature, except Section 379 of the Indian Penal Code, which is nothing but ornamental and highly improbable. He further submits that no specific allegation of assault has been attributed against the petitioner, apart from the fact that both the parties are co-villagers and friends but on account of some altercation between them, the instant occurrence took place. He further submits that though the petitioner is carrying one criminal antecedent but the same is related to land dispute and he is not a habitual offender. He next submitted that though some of the injuries have been found to be grievous in nature but same has not been specifically attributed to the petitioner.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that all the offences as alleged in the FIR are bailable except the offence under Section 379 of the Indian Penal Code, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura (Kusumbha O.P.) P.S. Case No. 448 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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