

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31437 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- KAKO District- Jehanabad

ANIL YADAV @ ANIL KUMAR Son of Gaurishankar Yadav Resident of
village - Nisarpura, P.S.- Kako (Bhelawar), District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner is an accused in connection with Kako
(Bhelawar) P.S. Case No. 30 of 2023 registered for the offences
under sections 341, 323, 504, 506, 307, 447, 448, 427, 379 and
34 of the Indian Penal Code lodged on 02.01.2023 by the
informant, Ranju Kumari.

The prosecution case, in short, is that the informant
namely Ranju Kumari has submitted a written statement to the
officer-in-charge, Kako Police Station (Jehanabad) stating that
the accused persons reached at the house on 31.01.2023 at 7
P.M. The accused Anil Yadav besides Pujan Yadav made scuffle
with respect of drainage dispute and started abusing and when
the informant's father protested, the accused persons armed



variously came there and assaulted upon which informant's 'Bua' Kausaliya Devi sustained head injury.

It is further alleged that all the accused persons, including the petitioner started beating and blood causing injuries and the accused Anil Yadav damaged her soil and tiles with his tractor. The injured were being brought at Sadar Hospital, Jehanabad from where they were referred to P.M.C.H. Thereafter, accuseds also took away computer from house and cash Rs. 76,000/- (Rs. Seventy six thousand) threw the grains in drainage and damage tiles of the house. Accordingly, the FIR.

The contention of the learned Counsel for the petitioner is that there is case and counter case in the matter and the petitioner's case is an earlier one, the injuries have been found to be simple in nature and is in custody since 01.02.2023 (as stated in paragraph 12 of the petition).

Learned Counsel for the informant, on the other hand, opposed the prayer stating that it was the scuffle of the petitioner with the Pujan Yadav relating to drainage issue which resulted into the alleged fight between the parties causing injury to Kausaliya Devi.

Considering the submissions put forward by the rival parties as also a fact that it is a matter of case and counter case,



injuries have been found to be simple in nature and is in custody since 01.02.2023, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Jehanabad in connection with Kako (Bhelawar) P.S. Case No. 30 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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