

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44015 of 2023

Arising Out of PS. Case No.-9 Year-2022 Thana- BIHARIGANJ District- Madhepura

RAM TAHAL YADAV son of Deepchand yadav @ Deepchan Jadav Village-
Rahua Ward no-4, Ps- Bihariganj Dist- madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 22-09-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection
with Bihariganj P.S. Case No.09 of 2022 dated 14.01.2022
registered for the offence/s punishable under Section/s 341, 323,
324, 379, 504 and 506/34 of the Indian Penal Code.
3. This is second attempt of the petitioner for
the relief of regular bail after his earlier attempt for the same
relief was rejected by this Court vide order dated 29.08.2022
passed in Cr. Misc. No.32093 of 2022 preferred by this
petitioner.
4. It is submitted by the learned counsel for the
petitioner that at the time of rejection of petitioner's earlier
prayer, this Court mainly took into account that the petitioner's



defence as to he himself having sustained injury in the free fight, having taken place in between both the parties, was not substantiated by producing this petitioner's injury report and on account of non-availability of the petitioner's injury report at that time, the same could not be produced and now in the present petition the petitioner's injury report has been filed by way of supplementary affidavit which goes to show that the same doctor had examined both the informant and the petitioner and the said injury report shows that the petitioner sustained three injuries out of them one has been opined to be grievous in nature. Further submission is that in view of the said injury report of the petitioner, it is clearly evident that in between both the parties at the time of alleged occurrence incident of free fight took place. Further submissions are that against the petitioner there is general and omnibus allegation and he has been languishing in jail since 28.03.2022 and after the framing of charge upon the petitioner, no progress has been made till date as per status report of the petitioner's case sent by the trial Court.

5. Learned APP appearing for the State opposes the bail prayer.

6. Considering the above submissions and



mainly the petitioner’s injury report submitted before this Court by way of supplementary affidavit which shows that the petitioner himself sustained three injuries in the alleged occurrence and the status report of the petitioner’s case received from the trial court goes to show that his case is at initial stage and after framing of charges on 31.03.2023 upon the petitioner no prosecution witness has been examined till date, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named- above be released on bail in connection with Bihariganj P.S. Case No.09 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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