

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52523 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

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GULAB YADAV SON OF LATE MURAHU YADAV RESIDENT OF
VILLAGE - MARAIPUR MADURNA, P.S. - CHAINPUR, DISTRICT -
KAIMUR AT BHABHUA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-08-2023 Heard Krishna Prasad Singh, learned Senior Counsel
for the petitioner and learned APP for the State.

The petitioner is in judicial custody in connection with Chainpur P.S. Case No.29 of 2023 instituted under Section 307,427,379,323,341,342,147,148,149 of the IPC and Section 27 of the Arms Act lodged on 04.02.2023 by the informant Jhillu Yadav.

As per the prosecution story, it has been alleged that the petitioner and Sanjay Yadav assaulted Mithilesh Yadav indiscriminately with sword causing injuries to him. The further allegation is that another co-accused Nitish Yadav also gave



sword injuries to him on his thigh and ear. Accordingly, the FIR.

Learned Senior Counsel for the petitioner submits that actually the informant side had thrashed the petitioner's daughter. He took this Court to different annexures to show that she also suffered injuries. The further submission is that there is inordinate delay of four days inasmuch as while the occurrence took place on 29.12.2022, the FIR was lodged on 02.01.2023 which gave ample time to make allegations against the accuseds including this petitioner.

He submits that a counter case vide Chainpur P.S. Case No.47 of 2023 under Sections 307, 354, 324, 323, 341, 148 of the IPC has been lodged against prosecution side also. The last submission is that although the injury has been found to be grievous in nature, the same has been found to be by hard and blunt substance as against the allegation made in the FIR that sword injuries were inflicted upon the Mithilesh Yadav.

Learned APP opposes the prayer for bail stating that injuries have been found to be grievous in nature.

Taking into account the submissions put forward by the learned Senior Counsel for the petitioner, there is case and counter case, inordinate delay of four days in lodging of the FIR, the injury has been found to be by hard and blunt



substance, against the allegation that sword injury was given, is in jail since 30.05.2023, do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chainpur P.S. Case No.29 of 2023 to the satisfaction of learned ACJM, IInd, Bhabua, Kaimur, subject to 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 fortnight for next six months 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 the 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.

(Rajiv Roy, J)

Prakash Narayan

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