

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55649 of 2023

Arising Out of PS. Case No.-318 Year-2022 Thana- HALSI District- Lakhisarai

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AZAD YADAV SON OF LATE PYARE YADAV RESIDENT OF VILLAGE
- DHIRA, P.S. - HALSI, DISTRICT - LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023

Heard the parties.

The petitioner is an accused in connection with Halsi P.S. Case No. 318 of 2022 registered for the offences under sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code lodged on 09.12.2022 by the informant, Naresh Kumar.

As per the prosecution story, the allegation against the accused persons is of assaulting the informant and so far as this petitioner is concerned, allegation of using '*khanti*' on his head causing injury has been alleged. Accordingly, the FIR.

It is the case of the petitioner that though allegation of assault on the head, a perusal of Medical Report of Naresh Kumar would show that the injury on the head has been found to be simple in nature, rather the injury on the left leg has been inscribed, as grievous.



It is his further submission that both are agnates, case and counter case, even the informant Naresh Kumar is in judicial custody and have been recently released on bail.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has used '*khanti*' on the head of the informant.

Though, the allegation of using '*khanti*' is on this petitioner on the head of the informant, in view of the fact that the Medical Report shows the said injury to be simple in nature, there is case and counter case, is in custody since 31.05.2023 (as stated in paragraph 15 of the bail application), this Court is inclined to extend him privilege of bail subject to the payment of Rs. 10,000/- as undertaken by the learned Counsel for the petitioner.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Halsi P.S. Case No. 318 of 2022, 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 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 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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