

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53507 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Khalat Yadav @ Upendra Yadav son of Raghunath Yadav.
 2. Shyam Yadav son of Khalat yadav @ Upendra Yadav.
Both are resident of Village- Tilkeshwar Ps- Kusheshwar Asthan Dist-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard Mr. Viveka Nand Singh learned counsel for the
petitioners and learned APP for the State.

The petitioners are in judicial custody in connection with Kusheshwar Asthan P.S. Case No.75 of 2022 instituted under Sections 147,148,341,323,307,379,354,504,506 and 109 of the IPC and 27 of the Arms Act lodged on 01.03.2022 by the informant Kumod Mukhiya.

As per the prosecution story, the named accuseds came to the shop of the informant and after abusing him, allegation is that petitioner no.1 gave 'Garasha' blow on the head of the informant while the petitioner no.2 assaulted one Hareram Mukhiya by butt of rifle. The further allegation is that the accused also assaulted his wife and outraged her modesty as



also looted Rs.25,000/-, Accordingly, the FIR.

Learned counsel for the petitioners submit that there has been delay in the lodging of the FIR inasmuch as the occurrence is of 27.02.2022 whereas the FIR has been lodged on 1st of March, 2022, the injuries have been found to be simple in nature as reflects from Annexure-2 and 3 and further they are in custody since 28.03.2023 (as stated in para-4 of the petition).

Further, the submission is that without accepting the allegations and/or the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioners on their 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 opposes the prayer for bail stating that allegation is of giving 'Garasa' blow and also assaulting by butt of rifle.

Considering the submissions put forward by the learned counsel for the petitioners, there is delay of 48 hours in lodging of the FIR, injuries have been found to be simple in nature, is in custody since 28.03.2023, this Court is inclined to



grant them privilege of bail subject to the payment of Rs.10,000/- as undertaken above by the learned counsel for the petitioners.

Let both the petitioners 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 Kusheshwar Asthan P.S. Case No.75 of 2022 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul, subject to following conditions:

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

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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