

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59105 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- RAJNAGAR District- Madhubani

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MUKESH YADAV @ MUKESH SON OF PULKIT YADAV RESIDENT OF
VILLAGE- PARIHARPUR, PS- RAJNAGAR, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Rajnagar P.S. Case No. 149 of 2022 for the offence under sections 143, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code lodged on 05.06.2022 by the informant, Shiv Kumar Yadav.

3. As per the prosecution story, the informant alleged that when the neighbour was measuring his land with Amin, the same was objected whereafter the accused persons assaulted most of members of informant side. So far as this petitioner is concerned, allegation is of assaulting Lalu Yadav by 'farsa' on his head causing injury. All the injured were taken to Primary Health Centre, Rajnagar and then referred to Sadar Hospital, Madhubani followed by the FIR.



4. Learned counsel for the petitioner has taken this Court to the injury report of Primary Health Centre Rajnagar to show that the nature of injury has been found to be simple and is in custody since 08.06.2023 (as stated in paragraph 14 of the petition).

5. 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 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 Lalu Yadav after checking the credentials.

6. Learned APP opposes the prayer for bail stating that allegation of assault is on this petitioner.

7. Taking into account the submissions put forward by the learned counsels for the parties, the injury as per the injury report, has been found to be simple in nature, is in custody since 08.06.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of



India to be submitted to the Trial Court.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of ACJM, 1st Madhubani, in connection with Rajnagar P.S. Case No. 149 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/her 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 six months to mark his 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 his bail bonds.

9. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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