

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63512 of 2023

Arising Out of PS. Case No.-205 Year-2023 Thana- BARHARA KOTHI District- Purnia

1. Rahul Kumar Yadav Son of Bharat Yadav Resident of Village- Nipaniya Gohal, Ward No 14, PS -Barhara, District- Purnea
2. Bharat Yadav Son of Nunulal Yadav Resident of Village- Nipaniya Gohal, Ward No 14, PS -Barhara, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-10-2023

1. Heard learned counsel for the parties.

2. The petitioners have filed the instant application for grant of regular bail in connection with Barhara P.S. Case no. 205 of 2023 registered under sections 307, 504, 341, 323, 324, 325, 354B, 509 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners along with others are said to have come variously armed. While Bharat Yadav is said to have assaulted the informant, Rahul Kumar Yadav is said to have assaulted the husband of the informant leading to grievous injuries.

4. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. There is case and counter case between the parties, the correct version having been given in the FIR at Annexure-2.



There is an inordinate and unexplained delay in lodging of the FIR against the petitioners. The petitioners are in custody since 18.6.2023 and investigation in the case has concluded.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner no.1 Rahul Kumar Yadav who is said to have assaulted the husband of the informant resulting in grievous injuries which is evident from the order of the learned Court below, the Court is not inclined to enlarge the petitioner no.1 Rahul Kumar Yadav on bail and his application is rejected.

7. Liberty is granted to petitioner no.1, Rahul Kumar Yadav to renew his prayer for bail on completing one year in custody.

8. In the facts and circumstances of the case, the Court directs the petitioner no.2 Bharat Yadav to be enlarged on bail in connection with Barhara P.S. Case no. 205 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea.

(Partha Sarthy, J)

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