

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68423 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- CHAKAI District- Jamui

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Jitan Yadav Son of Dhaneshwar Yadav R/o vill - Gamhariya, P.S. - Chakai,
Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. Learned counsel for the informant submits that he
has already filed the hard copy of the *Vakalatnama* and provided
the soft and scanned copy in the Court itself.

3. The petitioner seeks regular bail in connection with
Chakai P.S. Case No. 84 of 2023 dated 08.03.2023, lodged
under Sections 147, 148, 149, 448, 323, 307, 354(B), 380, 504
& 506 of the I.P.C.

4. As per the prosecution case, the F.I.R. has been
lodged against ten named accused persons including the present
petitioner. The specific allegation against the present petitioner
is that he alongwith nine others have surrounded the house of
the informant and abused them. The specific allegation against

the present petitioner is that he has assaulted the aunt of the informant by iron rod, due to which head injury has been caused.

5. Learned counsel for the petitioner submits that he has annexed the injury report as Annexure- 2 from which, it transpires that the nature of injury is grievous. Counsel submits that both petitioner and informant are resident of the same village and with a petty issue, the dispute has arisen between them. Counsel submits that neither petitioner's side nor informant's side are criminal but due to petty issue, scuffling took place in which injury has been caused from both the sides.

6. Learned counsel for the petitioner further submits that the informant's side has filed the present case bearing Chakai P.S. Case No. 84 of 2023, whereas the petitioner's side has filed the case bearing Chakai P.S. 86 of 2023. Counsel submits that the antecedent of the petitioner is clean and he is in custody since 19.06.2023.

7. Learned A.P.P. for the State opposes the prayer for bail.

8. Learned counsel for the informant vehemently opposes the prayer for bail and submits the allegation against the petitioner is specific that he has assaulted the aunt of the

informant, due to which head injury has been caused and nature of injury is grievous.

9. In the present facts and circumstances that scuffling took place from both the sides and there is case and counter case, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- IIIrd, Jamui in connection with Chakai P.S. Case No. 84 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,

failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(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.

10. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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