

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66033 of 2022**

Arising Out of PS. Case No.-4 Year-2021 Thana- KHAJAULI District- Madhubani

JITENDRA KUMAR YADAV Son of Tapsi Yadav R/V- Behta, P.S- Khajauli,
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Baidyanath Prasad, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khajauli P.S. Case No. 04 of 2021 dated 04.01.2021
registered for the offence under Sections 341, 323, 324, 307,
354(B), 379, 504, 506/34 of the Indian Penal Code.

In nutshell, the petitioner is alleged to have given
iron tengari blow over the head of the brother in-law of the
informant causing him severe injury.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that according to
the F.I.R. the petitioner has assaulted the brother-in-law of



the informant by means of tengari on his head. He further submits that the parties are happened to be agnates and on account of ancestral land, the present occurrence took place in which both the parties have sustained injuries for which case and counter case have been lodged at both instance.

Addressing the injuries sustained by the injured, Heera Lal Yadav, learned counsel for the petitioner draws the attention of this Court towards the injury report, which is being reproduced herein below for better adjudication of the case;

**“(i) Type of injury: (1) Incised wound
(2) Bruise.
(ii) Site and size of injury-(i) Sharp cut on frontal left side of skull.
(ii) Bruise on left leg.
(i) 3 ½” x ½W x up to skin deep.
(ii) 3” round.
(iii) Colour of wound:-
(i) Redness, profused bleeding
(ii) Blakish
(iv) Type of weapon used- Hard and sharp object.
(v) Nature of Injury:- (i) Grievous as per C.T. scan report.
(ii) Simple.
(vi) Time of injury:- Within 24 hours.
(viii) M-I- (i) A cut wound on right cheek.
(ii) A mole mark on the back.
Note: Opinion given on the basis of CT Scan report of V.H. Diagnostic. No any opinion found from any Govt or private hospital. Xerox copy of C.T. Scan report is attached with this injury report.”**

Learned counsel for the petitioner further submits that according to the injury report, the injured sustained two injuries; one is stated to be grievous which is based on C.T.



Scan report and another one is said to be simple in nature. He further submits that the doctor has opined that no opinion with respect to injury has been opined either by a private hospital or by a government hospital. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 31.08.2022.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is a renowned criminal and he used to threaten the informant and her family members. It is also submitted that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Madhubani in connection with Khajauli P.S. Case No. 04 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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