

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76364 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

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ARUN YADAV @ RAVI YADAV @ RUNI YADAV Son of Rambriksh
Yadav Resident of Village - bandi tola, Kalyanpur, P.S.- Nimchak Bathani,
District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Ms.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2023 Learned counsel for the petitioner has filed

supplementary affidavit across the Board, which is kept on the

record.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with

Neemchak Bathani P.S. Case No. 93 of 2023 registered for the

offences punishable under Sections 147, 148, 149, 323, 341,

504, 506, 379, 307 of the Indian Penal Code.

4. As per prosecution case, only allegation against the

petitioner is that he assaulted upon the head of the informant by

means of rod as a result of which informant sustained injury on

the head.



5. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case due to previous enmity. Learned counsel through supplementary affidavit submitted that informant sustained one lacerated wound 1/2" x 1/2" x skin deep on right parietal region, which is found to be simple in nature. There is no allegation of repetition of blow upon the head of the informant. In this way, Section 307 of the IPC is not made out against the petitioner. Petitioner is in custody since 17.08.2023. Petitioner bears criminal antecedent of six cases. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Gaya in



connection with Neemchak Bathani P.S. Case No. 93 of 2023,
subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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