

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.347 of 2023

Arising Out of PS. Case No.-203 Year-2021 Thana- BENIPATTI District- Madhubani

Bhoril Yadav, Son of Late Sitayi Yadav @ Late Shital Yadav, R/V- Samda,
P.S- Benipatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-03-2023 Heard Mr. Bimal Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Benipatti P.S. Case No. 203 of 2021 registered for the offences punishable under Sections 143, 341, 323, 324, 307, 379, 354A, 504, 506/34 of the Indian Penal Code.

It is alleged that on account of a dispute with regard to fishing, some altercation took place whereupon all the accused persons, including the petitioner, barged into the house of the informant and assaulted him and other family members. It is further alleged that the petitioner gave an axe blow on the head of the informant, causing grievous injury.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that a free fight has taken place between both the sides resulting into case and



counter case, being Benipatti P.S. Case No. 207 of 2021, lodged by the petitioner. He further submits that the members of the petitioner's side also sustained injuries, however, the prosecution has failed to explain the injuries sustained to the members of the petitioner's side, apart from the fact that omnibus allegation has been levelled against all the accused persons, sixteen in numbers. However, the petitioner being the head of the family, specific allegation has been levelled. He next submits that co-accused person, having omnibus allegation, has been allowed the privilege of bail by the learned coordinate Bench of this Court vide order dated 07.11.2022 passed in Cr. Misc. No. 41133 of 2022. He lastly submits that the petitioner, having fair antecedent, is in custody since 15.07.2022, and after completion of investigation, charge-sheet has already been submitted.

On the other hand learned APP for the State opposes the bail application and submits that from the injury report, as contained in Annexure-3, it appears that the informant sustained five injuries, out of which one of the injury is found to be grievous in nature.

Regard being had to the submissions made on behalf of the parties and considering the counter version of the present



case and the omnibus allegation against 16 named accused persons, apart from the fair antecedent and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Benipatti, Madhubani, in connection with Benipatti P.S. Case No. 203 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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