

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80673 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- AGION (GARHANI) District- Bhojpur

Birendra Kumar @ Binaul Yadav @ Birendra Yadav @ Binaul Yadav Son of
Raja Ram Yadav @ Raja Ram Singh Resident of Village - Dubauli, P.S.-
Agion (Garahni), District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Pandey, Adv.
For the State	:	Mr. Md. Shakir Ahmad, APP
For the Informant	:	Mr. Baxi S.R.P. Sinha, Sr. Adv.
		Mr. Brajesh Prasad Gupta, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-12-2023 Heard learned counsel for the parties.

2. The petitioner seeks bail in connection with Agion (Garahni) P.S. Case No. 112 of 2023 instituted for the offences under Sections 147, 149, 341, 323, 324, 307, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner along with other co-accused persons came with *lathi-danda* and other arms and assaulted the prosecution side. Allegation against the petitioner is of assaulting the Informant by means of *lathi* causing grievous injury on his head and nose. It is also alleged that the accused persons have also taken away with them the gold chain and a mobile phone of the nephew of the Informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to old enmity. The allegation made against the petitioner is general and omnibus. Nothing incriminating has been recovered from the possession of the petitioner. He further submits that the specific allegation of firing is against the co-accused Rajesh Yadav. Learned counsel for the petitioner submits that one complaint case bearing Complaint Case No. 1231(C) of 2023 has been filed by the petitioner against the Informant and his family members which is under enquiry. Learned counsel for the petitioner submits that the other co-accused persons, namely, Dharmendra Yadav @ Dharmendra Singh @ Bedan and Appu Yadav @ Amar Kumar, Kamla Yadav @ Kamla Singh, Munna Yadav @ Munna Kumar and Sonu Yadav @ Sonu Kumar have been granted bail by a Co-ordinate Bench of this Court vide orders dated 01.11.2023 and 02.11.2023 passed in Cr. Misc. Nos. 69431 of 2023 and 65990 of 2023 respectively.

5. Though learned counsel for the petitioner submits that the petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application but, Mr. Baxi S.R.P. Sinha, learned Senior Counsel appearing on behalf of the



Informant, submits that the petitioner has one criminal antecedent except the present one being Agion (G) P.S. Case No. 21 of 2014.

6. The petitioner has voluntarily surrendered before the Court below on 01.09.2023 and since then, he is in custody.

7. Learned A.P.P. for the State as also the learned Senior Counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the entire facts and circumstances of the case as also taking into account the period of custody let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Agion (Garahni) P.S. Case No. 112 of 2023.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

