

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18193 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- KHAJAU LI District- Madhubani

Brahamdeo Yadav S/O- Late Ram Udgar Yadav R/O- Village- Harishbara,
P.S.- Khajauli, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Udeshya Kumar Yadav, Advocate
For the Informant	:	Mr. Subhash Jha, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Gagandeo Yadav, learned counsel for the petitioner, Mr. Subhash Jha, learned counsel for the informant and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner is apprehending his arrest in connection with Khajauli P.S. Case No. 156 of 2023, F.I.R. dated 13.08.2023 for the offences punishable under Sections 447, 448, 341, 323, 307, 337, 354, 324, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner is said to have assaulted the informant by means of *farsa*.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that there is allegation against the petitioner is that he has assaulted the informant with the *farsa* due to which she has received the injury but the injury is not on the vital party of the body.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the injury report of the Ram Sundari Devi suggests that the injury is grievous in nature but learned counsel for the State fairly submits that due to fracture in right ulna the injury was found grievous which is not a vital part of the body.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Judicial Magistrate, 1st Madhubani in connection with Khajauli P.S. Case No. 156 of 2023, subject to the conditions as laid



down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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