

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30661 of 2024

Arising Out of PS. Case No.-524 Year-2023 Thana- BAHADURPUR District- Darbhanga

Kapil Yadav @ Kapil Yadva son of Shivjee Yadav Village- Gaighatti Ps-
Bahadurpur Pator OP Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anjani Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Manoj Kumar, APP
For the Informant :	Mr. Harish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-06-2024 Heard Mr. Anjani Kumar Sinha, learned counsel for
the petitioner as also Mr. Harish Kumar, learned counsel for the
informant and the State.

2. The petitioner is in judicial custody in connection
with Bahadurpur (Pator O.P.) P.S. Case No. 524 of 2023 for the
offence punishable under sections 341, 448, 323, 324, 307,
354(B), 379, 504, 506/34 of the Indian Penal Code lodged on
01.11.2023 by the informant, Indradev Yadav.

3. As per the prosecution story, the allegation is that
the wife of the informant was taking the straw for cattle, a fight
occurred between the ladies and after hot discussion, the male
members also participated which resulted into free fight
between the parties. Allegation against Shivjee Yadav is of



assaulting the informant on his head by '*kudaal*' causing serious injury. When his son, Abhishek Yadav came to his rescue, allegation against this petitioner is of using iron rod which hit his neck. The further allegation is of outraging the modesty of the lady as also snatching the chain. The injured was taken to Darbhanga Medical College Hospital, Darbhanga for treatment which followed the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case, they are agnates, both sides suffered injury, so far as the allegation against Shivjee Yadav is concerned, he assaulted the informant and admittedly, as per the injury report of the informant, the injury on the head of the informant was found to be grievous in nature. He submits that so far as this petitioner is concerned, though there is allegation of assault on Abhishek Yadav on the neck, no such injury report has come and as such, it has to be considered simple in nature.

5. Learned counsel for the informant, on the other hand, opposes the prayer submitting that allegation against both Shivjee Yadav and this petitioner is of assaulting the informant/his son.

6. Learned counsel for the petitioner once again took this Court to the FIR to show that two separate allegations are



against Shivjee Yadav and Kapil Yadav of assaulting the informant as also his son.

7. Taking into account the aforesaid submissions as also the fact that the petitioner do not have criminal antecedent and is in custody since 23.02.2024 (paragraph 16 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Darbhanga, in connection with Bahadurpur (Pator O.P.) P.S. Case No. 524 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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