

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43980 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Tej Narayan Yadav Son Of Late Mukha Yadav Village- Majharia, P.S.- Buxar
(INDUSTRIAL), Distt.- Buxar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Pandey, Advocate

For the State : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Buxar (Industrial) P.S. Case No. 155 of 2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code, lodged on 16.06.2023 by the informant, Rahul Kumar Gupta.

3. As per the prosecution story, the informant alleged that in course of playing cricket game some scuffle took place whereafter informant was surrounded and this petitioner gave 'dav' blow as a result of which he sustained injuries and was shifted to hospital. Accordingly, the F.I.R.

4. Learned counsel for the petitioner concede that though injuries have been found to be grievous in nature, it was a minor scuffle, he do not have criminal antecedent, both are neighbours and has already suffered by being in custody since



27.03.2024 (paragraph no.4 of the petition). Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner(s) on its own would like to contribute towards the medical assistance of Rs.5,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking credentials.

5. Learned APP for the State opposes the prayer submitting that he gave '*dav*' blow causing injury to the informant. The same is on the head which has also been opined to be grievous.

6. Though the injury is there, it was rush of blood which resulted into the alleged assault, the petitioner has remained in custody since 27.03.2024, do not have criminal antecedent and as undertaken by learned counsel for the petitioner, he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the petitioner to be paid to the informant by Demand Draft of local State Bank of India to the Trial Court.

7. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Industrial) P.S. Case No. 155 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 next six months to mark his attendance;

(iv) the petitioner shall in now 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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