

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57454 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- JAYRAMPUR District- Sheikhpura

Nikhil Kumar @ Rakesh Yadav @ Rakesh @ Nikhil Raj Son of Tantan Yadav
R/o Village- Toygarh, P.S.- Jairampur, District.- Sheikhpura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Saroj Kumar Choudhary, Advocate
For the Opposite Party	:	Mr.Harendra Prasad, APP
For the Informant	:	Mr. Jitendra Kumar Shardanad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-09-2024 Heard learned counsel for the petitioner as well as learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Jairampur P.S. Case No. 81 of 2023 dated 27.12.2023 registered for the offences punishable u/ss 147, 148, 149, 323, 324, 325, 379, 427 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant's goat was killed by the petitioner, Nikhil Kumar @ Rakesh Kumar by throwing down. When the informant's brother Sadhu Yadav went to the house of the petitioner to make complaint and he reached near Thakurbari then the petitioner and the co-accused



persons were already present there and they assaulted him with intent to kill and also abused him. The co-accused, Jitesh Yadav @ Mutar Yadav assaulted the informant's brother with axe causing head injury. The co-accused, Ramesh Yadav assaulted the informant's brother Sadhu Yadav with iron rod causing fractured injury to his hand. In the meantime, Mukesh Yadav came to rescue him then the co-accused, Ramesh Yadav assaulted him badly with iron rod due to which he sustained head injury. The co-accused, Manish Kumar assaulted the informant with iron rod causing head injury. The co-accused, Rahul Kumar assaulted Baiju Yadav with iron rod causing head and hand injuries. The petitioner, Nikhil Kumar and the co-accused, Radharaman assaulted the informant's brother Anil Yadav and snatched Rs. 15,000/- and gold locket. Thereafter, people gathered there then the co-accused, Jitesh Kumar fled away by making open fire.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a case and counter case between the parties. As per the impugned order, the injury of Surendra Yadav and Mukesh Kumar is said to be grievous in nature which is not attributed upon petitioner whereas the injury of Anil Yadav is



cut and lacerated wound (1" x ½ x 1") on right temporal region caused by hard and blunt substance. The other co-accused persons have already been granted bail by this court *vide* order dated 30.08.2024 passed in Cr. Misc. No. 41711/2024. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 15.05.2024.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sheikhpura in connection with Jairampur P.S. Case No. 81/2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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