

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60188 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- JALE District- Darbhanga

Mukesh Yadav, S/o Narayan Yadav, Resident of Village- Khoriya Tol, Police Station- Jalley District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Mr. Nilendu Kumar Choudhary, learned Advocate for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Jalley P.S. Case No. 124 of 2024 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 506 and 504 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the accused persons were found indulge in filling land, the same was protested by the informant, whereupon all the named accused persons, including the petitioner, brutally assaulted the informant and his other family members causing injuries to four persons.

4. Learned Advocate for the petitioner contended that the F.I.R. clearly suggests that altogether four accused persons



have sustained injuries. The injuries, as discussed in the impugned order, suggest that the same were on non-vital part of the body, except one, which has sustained to one Chhote Lal Yadav, who has been referred to Darbhanga Medical College and Hospital for treatment. It is further contended that there was a long standing land dispute between the parties, which resulted into a free fight and the persons of both sides sustained injuries. There is counter version of the present case, being Jalley P.S. Case No. 125 of 2024, registered by one of the co-accused of the present case against the informant and his family members. It is next contended that the petitioner bears fair antecedent and now he has been incarcerated since 25.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the allegation clearly reveals that the petitioner has actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the nature of injuries, as has been discussed in the impugned order, couple with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Darbhanga in connection with Jalley P.S. Case No. 124 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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