

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69268 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- RAJNAGAR District- Madhubani

Budhan Yadav Son of Jogi Yadav Resident of Village- Pilakhwar, Ward No- 3,
P.S. Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Bharti, Advocate
		Mrs. Nitu Kumari, Advocate
For the Opposite Party/s	:	Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2024 Heard Mrs. Nitu Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Rajnagar P.S. Case No. 132 of 2024 for the offence punishable under sections 341, 323, 324, 379, 354(B), 504, 506, 307 and 34 of the Indian Penal Code lodged on 23.04.2024 by the informant, Mahavir Yadav.

3. As per the prosecution story, the informant alleged that one Bhogi Yadav came to his house and asked him to withdraw the case, this followed altercation. Whereafter, it is alleged that the accused persons armed variously came and assaulted the informant and the allegation amongst other is on Bhogi Yadav of assaulting by way of *farsa* on the head, his son



Budhan Yadav (petitioner herein) using wooden rod as well as Suraj Yadav, all of them gave blow on the head. Further, allegation is that the wife was assaulted and her modesty was outraged. Amongst the female accused, the allegation is of taking away the ornaments kept for the marriage purposes. The injured were taken to the Sadar Hospital, Muzaffarpur which followed the FIR.

4. Learned counsel for the petitioner submits that though exaggerated FIR is there, admittedly, there is a dispute between the parties, they are agnates and the injury has been found to be simple in nature. 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 injury, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that this petitioner also gave *lathi* blow on the head of the informant.

6. Considering the facts/submissions as also that the



injury has been found to be simple in nature and the petitioner is in custody since 07.08.2024 (paragraph-19 of the petition), this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court at the time of execution of bail bond.

7. 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 Chief Judicial Magistrate-I, Madhubani, in connection with Rajnagar P.S. Case No. 132 of 2024 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)

Adnan/-

U		T	
---	--	---	--

