

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74189 of 2024

Arising Out of PS. Case No.-257 Year-2024 Thana- DHORAIYA District- Banka

Liladhar Yadav Son of Hari Yadav Resident of Village - Chainpur, P.S.-
Rajoun, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Dhoraiya P.S. Case No. 257 of 2024 for the offences punishable under Sections 191(2), 126(2), 115(2), 118(1), 109(1), 329(4), 331(8), 303(2), 352, 351(2) of BNS, lodged on 26.07.2024 by the informant, Manoj Yadav.

3. As per the prosecution story, the informant alleged that he is having marital discord with his wife which led his in-laws to assault him. The allegation is that his brother-in-law entered his house and gave iron rod blow on his head causing injury. Further, when his father, brother and mother came to rescue, they were also assaulted. The last allegation is of taking away Rs. 60,000/- as also the gold ornaments. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that a perusal of the FIR would show that omnibus allegation is against other accused persons save and except Manoj Yadav against whom the allegation is of assaulting the informant causing injury on the head. He further submits that other members of the family of the informant have sustained simple injury. The petitioner is father-in-law and aged person and is in custody since 27.07.2024 (para-6 of the petition).

5. Learned APP opposes the prayer submitting that all of them assaulted the family members of the informant.

6. Considering the submissions put forward by the parties as also the fact that the specific allegation is against Manoj Yadav, omnibus allegation is against other accused persons, the injuries of other injured have been found to be simple in nature, the petitioner has remained in custody since 27.07.2024, he has no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Additional Chief Judicial Magistrate-III, Banka in connection with aforesaid P.S. Case subject to the following conditions:



(i) one of the bailors should be the family member 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 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 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;

(iv) 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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