

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79066 of 2024

Arising Out of PS. Case No.-196 Year-2024 Thana- THALI District- Nawada

Virendra Yadav Son of Ramsaroop Yadav Resident of village- Madhopur,
P.S.-Thali, District- Nawada, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Thali P.S. Case No. 196 of 2024, P.T.N. 3430/2024 for the offence punishable under Sections 126(2), 115(2), 109, 107(2), 352, 351(2), 3 (5) of the Bharatiya Nayaya Sanhita, 2023 lodged on 07.08.2024 by the informant, Guriya Devi.

3. As per the prosecution story, the informant alleged that both being related, the accused couple started demolishing the part of her house and upon objection, assaulted both the informant and her husband causing injuries. This led to the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case in the matter, both are brothers, the abusive talk was taking place for days which ultimately resulted into scuffle, the other side fell down but has attributed to the beating, for which he has remained in custody since



11.08.2024 (para-14 of the petition). He do not have criminal antecedent and further irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the informant 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 the credential.

5. Learned APP opposes the prayer submitting that submitting that as per the learned Sessions Judge order, one of the injury was found to be grievous in nature.

6. Having gone through the facts of the case, the submission put forward by the parties as also the fact that both the parties are family members, there is case and counter case due to land dispute, the petitioner do not have criminal antecedent, has remained in custody since 11.08.2024, FIR lodged, will be ultimately facing the trial, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- as stated above.

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 S.D.J.M., Nawada, in connection with Thali P.S. Case No. 196



of 2024, P.T.N. 3430/2024 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 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 next 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)

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