

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82071 of 2024

Arising Out of PS. Case No.-753 Year-2023 Thana- BELAGANJ District- Gaya

Nandu Yadav @ Rakesh Kumar S/o- Indradeo Yadav Village- Dalelchak Ps-
Belaganj Dist-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-11-2024 Heard Mr. Manish Kumar No. 2, learned Counsel for
the petitioner and Mr. Chandra Sen Prasad Singh, learned APP
for the State.

2. The petitioner is in custody in connection with
Belaganj P.S. Case No. 753 of 2023 for the offence punishable
under Sections 147, 148, 149, 341, 323, 325, 307 and 504 of the
Indian Penal Code lodged on 26.11.2023 by the informant, Pappu
Kumar Yadav.

3. As per the prosecution story, the informant alleged
that on petty issue of cutting of grass, firstly the accused abused
and later assaulted. The informant received injury on his head as
also on the body, taken to the hospital for treatment. The
allegation is that earlier also an assault was made for which
another FIR was lodged.

4. Learned counsel for the petitioner submits that both

are agnates and on a minor issues, keep on lodging FIR against each other. The counter case is also there. 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's side has alleged injuries, the petitioner(s) on its own would like to contribute Rs. 10,000/- towards the medical assistance through Demand Draft issued by the local State Bank of India branch to be submitted before the Trial Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that this petitioner has criminal antecedent.

6. Taking into account the submissions put forward by the parties, admittedly, there is case and counter case, both are agnates, he is in custody since 08.09.2024 (para-4 of the petition), in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the informant by Demand Draft of local State Bank of India to be submitted to the Trial Court.

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, Gaya, in connection with Belaganj P.S. Case No. 753 of 2023, 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.)

Jyoti Kumari/-

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