

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3312 of 2024

Arising Out of PS. Case No.-215 Year-2022 Thana- GOGRI District- Khagaria

Mukesh Yadav S/o- Late Jay Karan Yadav R/o Vill- Usari, P.S- Gogari, Dist-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions
Trial No.381/2022 arising out of Gogari P.S. Case No. 215/2022
registered for the offences punishable under Sections 341, 323,
307, 379 and 504 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have
assaulted the informant's brother Heera Lal Yadav by means of
knife as a result of which he sustained grievous injury. It is alleged
that the petitioner has also given axe blow to the informant but he
managed to flee away. It is further alleged that petitioner took
away the box containing Rs.5000/- and it is further alleged that
petitioner is said to have outraged the modesty of the wife of
informant and wife of informant's brother.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 19.08.2022 and bears criminal antecedent of one case in which he is on bail. He further submits that the injury report of Heera Lal Yadav is simple in nature which clearly indicates that injury is caused by hard blunt substance which is not corroborated by the allegation made in the FIR which creates doubt about the story of prosecution. The injury The age of injury indicates that the occurrence took place on 8.00 PM in night and the injured was treated by the doctor at 9:05 PM and the timing of injury indicates that the age of injury is within six hours, which indicates that injured has made false injury report to make the case graver against the petitioner. He further submits that both parties are gotia and there is land dispute between them and in this backdrop, allegation of snatching of money is nothing but superficial and allegation of outrage of modesty is false. Hence, no case is made out against the petitioner as alleged in the FIR. The petitioner is not in any way connected with the alleged occurrence as alleged in the FIR. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case,



period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 A.D.J.-VII, Khagaria in connection with Sessions Trial No.381/2022 arising out of Gogari P.S. Case No. 215/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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