

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12392 of 2025

Arising Out of PS. Case No.-87 Year-2024 Thana- KIUL District- Lakhisarai

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Gita Prasad S/o Tunha Yadav R/village - Basmatiya, P.S - Kiul, Dist. -
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kiul P.S. Case No. 87 of 2024, registered for the offences under Sections 126(2), 115, 109(1), 303(2), 352, 351(2),117 and 3(5) of the B.N.S.

3. As per the prosecution case, petitioner and other accused persons who were armed with *lathi*, *danda* and iron rod allowed their buffalo to graze the crops of the informant and when the informant forbade them from doing so they firstly assaulted the informant and hit him with iron rod on his head causing its fracture and putting a rope in the neck of the informant they tried to take him away. The family members of informant intervened and they were also assaulted by the



petitioner and other co-accused persons causing a number of injuries to them.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is counter version and one Kunti Devi wife of Biro Yadav registered Kiul P.S. Case No. 88 of 2024 against the informant and his family members for the same occurrence. The persons from petitioner side have also received injuries for which there is no explanation. Both sides are agnates and the reason of dispute has been mentioned in the written report itself that occurrence took place over grazing of crop by buffalo but the petitioner and other co-accused persons did not deliberately graze the crop of the informant still the family members of the informant assaulted the petitioners and others. Learned counsel further submits that three persons from the side of the petitioner have received injuries. Learned counsel further submits that the injury reports of the victims of the instant case show they received one or two injuries and injuries of the victims are simple except for one injury of Abhishek Kumar which is stated to be grievous but the same is fracture of left fibula with comminuted fracture of left tibia and the said injury is not on any vital part. The petitioner is in custody since



15.10.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the case and counter case of the parties and further considering the submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M.,Lakhisarai/concerned court, in connection with Kiul P.S. Case No. 87 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

Anuradha/-

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