

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16037 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- PASRAHA District- Khagaria

Munilal Yadav Son of Late Ramotar Yadav R/o village- Pitaunjhia, PS- gogri,
Dist- Khagaria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Advocate Md Danish Quamar, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Pasraha P.S. Case No. 98 of 2024 dated 29.04.2024, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 447 and 504/34 of the Indian Penal Code.

3. As per the allegation, the petitioner and other co-accused assaulted the informant while he was harvesting the wheat crop. It is further alleged that the petitioner assaulted the informant with Hasua (a sharp cutting weapon) hitting his eye whereas co-accused/Ajit Yadav attempted to assault him on his head by iron rod and while trying to defend himself, he could get his nose cut. Co-accused/Jawahar Yadav has taken away the



gold chain and Rs.15,000/- from his pocket.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged *actus reus* shows lack of any intention to cause death of the alleged victim. Hence, Section 307 is not made out. He further submits that the petitioner is about 78 years old and he has clean antecedent.

5. He further submits that the petitioner has been languishing in jail since 16.11.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria in connection with Pasraha P.S. Case No. 98 of 2024 on the



following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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