

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24972 of 2025

Arising Out of PS. Case No.-697 Year-2024 Thana- GAYA MUFASIL District- Gaya

Biru Kumar S/O Deelip Yadav @ Dilip Chandra Yadav Mohalla- Mahadipur
Kothi Rana Nagar, P.S.- Mufasil, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Adv.

For the Informant : Mr. Rabindra Kr. Priyadarshi, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 04-12-2025

Heard the parties.

2. The petitioner seeks bail in connection with Muffassil P.S. Case No. 697 of 2024 registered for the offence under Sections 127(1), 127(2), 115(2), 109, 3(5) of BNS.

3. The petitioner is named in the F.I.R. and is in custody since 20.11.2024.

4. The allegation against the petitioner is to assault informant alongwith other co-accused persons by using iron rod, broken bottles etc. causing head and bodily injuries, where alleged assault was made with an intention to cause death.

5. Learned counsel appearing on behalf of the petitioner submitted that during investigation injured categorically stated that this petitioner assaulted him on his abdomen with broken bottle but no such injury was noticed out



of his medical examination report. It is pointed out that in view of same allegation as raised through this petitioner is not appearing convincing as to gather that he was under intention to cause death of the injured son of the informant. While concluding argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned counsel further submitted that due to lack of information criminal antecedents of petitioner could not filed initially as it was informed by his family members, but it was filed through different supplementary affidavits suggesting that petitioner found involved in seven more criminal cases, where he is on bail in five cases. It is submitted that none mentioning of entire criminal antecedents through first affidavit was neither intentional nor deliberate.

7. Learned APP opposes the prayer of bail.

8. Mr. Rabindra Kr. Priyadarshi, learned counsel for the informant while opposing the prayer of bail submitted that as per FIR informant also alleged to assault on head by this petitioner using iron rod which appears in corroboration with medical report of injured but he could not disputed the factual



submissions *qua* assault as raised by learned counsel for the petitioner, in view of statement of injured himself as available under para no. 26 of the case dairy.

9. It is further submitted by learned counsel for the informant that this petition should not be entertained for the reason that petitioner failed to approach this Court with clean hand as he concealed his criminal antecedents and in support of his submission learned counsel relied upon legal report of Hon'ble Supreme Court as available through ***The Auroville Foundation vs. Natasha Storey*** reported as ***2025 INSC 348***, but he conceded that as of now all criminal antecedents of petitioner are now available on record.

10. In view of aforesaid factual and legal submission and by taking note of fact as injured stated against this petitioner during course of investigation as to give single blow on his abdomen with broken piece of bottle, which not appears corroborated in terms of his injury report as no such injury was noticed on his stomach, coupled with fact that investigation of this case already completed, where petitioner remains in custody since 20.11.2024, accordingly petitioner above named, is directed to be released on bail in connection with Muffassil



P.S. Case No. 697 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gaya /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS, subject to further condition:-

(i) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents and no attempt shall be made to delay the trial and if there is any such attempt, as to delay the trial, the informant/ State may raise the prayer for cancellation of bail bond before learned trial court itself, which shall be decided as per its own merit after giving an opportunity of hearing to the petitioner.

(Chandra Shekhar Jha, J)

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