

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79972 of 2024

Arising Out of PS. Case No.-419 Year-2022 Thana- PHULPARAS District- Madhubani

Abhimanyu Yadav @ Abhimanyu Kumar @ Abhimanyu Kumar Yadav S/O
Sunil Yadav @ Sunil Kumar Yadav R/O Village- Siswabarhi, P.S.- Phulparas,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Phulparas P.S. Case No. 419 of 2022 instituted for the offences
under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian
Penal Code and 27 of the Arms Act.

3. Prosecution case, in short, is that, the accused
persons armed with lathi, sword and axe surrounded the
informant and the petitioner with intention to kill him, assaulted
on his head by means of sword and other co-accused also
assaulted him. It is further alleged that co-accused Jay Krishan
Yadav snatched the golden chain and cash amounting to Rs.
2500/- from the pocket of the informant.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that as per injury report, the injuries sustained by the informant are simple in nature but no sharp-cut injury is found on the head of the informant which falsifies the allegation as levelled in the FIR. Learned counsel further submitted that there is admitted previous enmity between both the parties. The co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.10.2023 passed in Cr. Misc. No. 52216 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.05.2024 and has four criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, nature of injury sustained by the informant as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Phulparas P.S. Case No. 419 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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