

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84998 of 2024

Arising Out of PS. Case No.-209 Year-2022 Thana- AMBA District- Aurangabad

Udesh Yadav S/O Suba Yadav Resident of Village- Devra, P.S.- Amba, Dist-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the State : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-03-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Amba P.S. Case No. 209 of 2022 dated
22.08.2022, registered for the offences punishable under
Sections 147, 149, 341, 323, 324, 307, 325, 506 and 504 of the
Indian Penal Code.

3. As per allegation, due to grazing of some crop by
animal of the accused persons, the altercation took place in
which all the accused persons including the petitioner assaulted
the informant and his family members, causing injury to them.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that the accused side as well as



informant's side are *gotiya* and on account of some family dispute, the altercation took place in which there was free fight leading to injury on both sides and hence, case and counter case have been fled by both the parties. He further submits that the accused side has also filed Amba P.S. Case No. 218 of 2022 against the informant's side for offence punishable under Section 307 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code has been added to the F.I.R. because of death of the informant Yogendra Yadav, who is also accused in this case. He further submits that one Kundal Yadav has already been enlarged on bail by Co-ordinate Bench of this Court in Amba P.S. Case No. 218 of 2022 vide order dated 29.11.2024 passed in Cr. Misc. No. 78551 of 2024.

5. 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 in the instant case.

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

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the case and counter case and injury on both sides, even death in counter case filed by the petitioners'



side, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, 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 Ld. Chief Judicial Magistrate, Aurangabad, in connection with Amba P.S. Case No. 209 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. 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.

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

(Jitendra Kumar, J.)

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