

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87292 of 2024

Arising Out of PS. Case No.-252 Year-2024 Thana- JAMOBABAZAR District- Siwan

Piyush Chaubey S/o Vinod Chaubey Resident Of Village- Barhoga
Pachpatiya, Ps- Jamo Bazar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr.Abhay Kumar, APP

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

ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Jamo
Bazar P.S. Case No. 252 of 2024 instituted for the offences
under Sections 126(2), 115(2), 118, 109, 351(2), 3(5) of the
Bhartiya Nyaya Sanhita.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of assaulting the
Informant by means of iron rod, knife etc. due to which the
Informant sustained grievous injury over his body. Treating the
Informant dead, all the accused persons fled away from there.
Thereafter, the Informant was taken to Sadar Hospital,
Gopalganj and from there, he was referred to Gorakhpur for his



better treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that from the injury report, it appears that the injury is grievous in nature caused by hard and blunt substance. He further submits that the date of occurrence is 24.07.2024 but, the F.I.R. was lodged on 31.07.2024 i.e. after lapse of six days that too without there being any plausible explanation for such delay. There is no repetition of blow and, as such, Section 109 of the B.N.S. is not attracted in this case. There is no eye-witness to the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 18.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is specific allegation of assault by means of iron rod against the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the



petitioner, abovenamed, 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 Jamo Bazar P.S. Case No. 252 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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