

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15367 of 2019**

Arising Out of PS. Case No.-446 Year-2018 Thana- BARHARA District- Bhojpur

Parshuram Yadav, S/o- Omjee Yadav @ Omjee Rai, R/o Village- Gundi
Chaman Ke Dera, P.S.- Barhara (Krishnagarh), District- Bhojpur,

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan

For the Opposite Party/s : Mr.Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 13-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since 30.11.2018 in connection with Barahara (Krishnagarh) P.S. Case No.446 of 2018 registered for the offences punishable under Sections 341, 323, 324, 307, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case as per the fardbeyan of Rajal Rai recorded by S.I. Barhara P.S. on 04.11.2018 at 12.05 P.M. is to the effect that on 03.11.2018, the informant was in his house when the petitioner, Parshuram Yadav and the co-accused Manish Yadav came and asked the informant to come to brick-kiln to receive his bricks. The informant has given 15 katha of land to the petitioner to run the brick-kiln. When the informant



reached on petitioner's brick-kiln, the petitioner, Parshuram Yadav, and co-accused Manish Yadav assaulted the informant. After half an hour, two persons came on being called by the petitioner and they also assaulted the informant causing fracture injury to the informant. It is alleged that the petitioner and Manish Yadav fired on the nephew of the informant, Yogendra Yadav. It is also alleged that the petitioner's brother has taken the land on Patta which is adjacent of brick-kiln and has also encroached upon the land of the informant.

It is submitted by learned counsel for the petitioner that in the background of the land dispute, the accusation has been levelled against the petitioner. There is no injury report on record. The impugned order suggests that the learned Sessions Judge after going through the case diary felt handicapped due to non-inclusion of injury report. It is further submitted that the investigation has already been completed.

Learned APP has vehemently opposed the prayer for bail and submits that the accusation of assault has been levelled against the petitioner and he is named in the F.I.R.

Considering the fact that the accusation has been levelled in the background of land dispute between the parties and statement made in paragraph no.3 of the bail application



that the petitioner is not having any criminal antecedent and the fact that injury report was not transmitted along with the case diary to learned Sessions Judge, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara in connection with Barahara (Krishnagarh) P.S. Case No.446 of 2018.

(Dinesh Kumar Singh, J)

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