

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25254 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- KOPA District- Saran

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1. Tapeswar Rai @ Tapeswar Yadav, S/o- Late Saryug Yadav
 2. Rajeev Ku. Yadav @ Rajeev Kr. Yadav @ Rajeeva Kumar Yadav @ Rajeev Kumar Yadav @ Mithun Kumar, S/o- Tapeswar Rai @ Tapeswar Yadav
 3. Ramayan Yadav, S/o- Late Saryug Yadav.

All residents of Village- Kumna, P.S.- Kopa, District- Saran

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Harsh Singh, Advocate
For the Opposite Party : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 337, 379, 354-B, 504 and 506/34 of the Indian Penal Code.

Petitioner no.1-Tapeswar Rai @ Tapeswar Yadav is said to have assaulted Chandrika Sah by means of iron rod inflicting head injury to him. Petitioner no.2-Rajeev Ku. Yadav @ Rajeev Kr. Yadav @ Rajeeva Kumar Yadav @ Rajeev



Kumar Yadav @ Mithun Kumar is said to have assaulted Satyendra Prasad Gupta by means of sword and on the head of Kisnawati Devi by means of rod and petitioner no.3-Ramayan Yadav is said to have assaulted on the head of Kalawati Devi by means of rod over a land dispute.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. The petitioners are quite innocent and have been falsely implicated in this case. The victim Satyendra Prasad Gupta has sustained only one simple injury which is lacerated wound and not the incised wound while Kisnawati Devi has not sustained any injury. Kalawati Devi has sustained one lacerated wound injury on her head which is simple in nature. Though Chandrika Sah has sustained two injuries on his head but the opinion has been reserved on 16.12.2018 and even after passing of the four months no final injury report has been filed as the same is not available in the record. It is further submitted that occurrence is of 06.12.2018 and the informant was examined on the same date but rest of the victims were examined after ten days i.e. on 16.12.2018, which creates serious doubt about the prosecution case. It is also submitted that occurrence is of 06.12.2018 but the FIR has been lodged after abnormal and inordinate delay on



02.01.2019 and without assigning any explanation for such delay. There is a case and counter case between the parties and the several persons of the accused persons side have also sustained injury and some have been referred to P.M.C.H., Patna. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Saran in connection with Kopa P.S. Case No. 02 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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