

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17305 of 2020**

Arising Out of PS. Case No.-491 Year-2019 Thana- DHANARUA District- Patna

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INDAL YADAV @ MUNSHI YADAV S/o Late Chhotu Yadav R/o village-
Daulta, P.S.- Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 06-10-2020 Heard learned counsel for the petitioner and Mr.
Umeshanand Pandit, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Dhanarua P.S. Case No.491/2019 registered for the offences punishable under Sections 323, 324, 341, 342, 307 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the allegations this petitioner had in course of a quarrel assaulted on the head of the wife of the informant by his pistol butt on 28.10.2019 but the present F.I.R. (Annexure-1) has been lodged on 22.11.2019 alleging therein that when the informant along with his wife and children returned after getting treatment from his sasural the named accused persons came to his house and threatened and abused him whereafter the F.I.R. was lodged. It is submitted that the allegation



that this petitioner had assaulted on the head of the wife of the informant by butt on 28.10.2019 is only a false and baseless allegation. Admittedly, the alleged occurrence of 28.10.2019 was not reported to police and no injury report has been mentioned in that connection in the impugned order passed by the learned Additional Sessions Judge, Masaurhi, Patna.

So far as the occurrence of 21.11.2019 is concerned, there is no allegation that on the said date the informant's side were assaulted. It is further pointed out that there is also a counter case which would appear from Annexure-2 to the present application. Both the parties are close-door neighbours and according to learned counsel for the petitioner it seems that they had a quarrel on the petty issue.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner, but considering the facts and circumstances of the case, the fact that the F.I.R. has been lodged only on 22.11.2019 in which the alleged occurrence of 28.10.2019 has been mentioned but there is nothing to suggest that the said occurrence was reported to police either on 28.10.2019 or subsequently and/or that the wife of the informant was referred for treatment by police, in the nature of the offence alleged and there being no criminal antecedent of the petitioner, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Dhanarua P.S. Case



No.491/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaurhi, Patna, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

