

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17483 of 2020**

Arising Out of PS. Case No.-492 Year-2019 Thana- BAHADURPUR District- Darbhanga

Shyam Karan Yadav, Son of Late Ram Swarup Yadav, Resident of Village -
Pokhasham, P.S.- Bahadurpur, Dist.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, A.P.P.

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

4 14-10-2020 Heard learned counsel for the petitioner and Mr. Md.
Aslam Ansari, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with CRI No. 2969 of 2019 arising out of Bahadurpur P.S. Case No. 492 of 2019 registered for the offences punishable under Sections 147/341/323/324/354(B)/379/504/506 of the Indian Penal Code.

In the First Information Report, there is an allegation against the petitioner of causing a Farsa injury on the head of the informant and the cause of alleged occurrence is said to be a land dispute between the parties.

The injury report of the husband of the informant as also that of the informant are showing injuries on the head caused by hard and blunt substance and those are simple in nature.



Learned counsel for the petitioner submits that it is a case of false implication of the petitioner inasmuch as the weapon attributed to the petitioner is a Farsa but the injury found on the body of the informant is that of hard and blunt substance, it is a family dispute and the fact that no Farsa injury has been found on the body of the informant makes out a case for privilege of anticipatory bail of the petitioner. It is also pointed out that the present F.I.R. has been lodged after four days of the alleged occurrence.

Having regard to the facts and circumstances of the case and the materials on the record, wherein though the allegation against the petitioner is that he has given a Farsa blow on the head of the informant but the injury noticed by the doctor is saying of an injury caused by hard and blunt substance and simple in nature, the dispute is that of over partition of land, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga of his successor court in connection with CRI No. 2969 of 2019 arising out of Bahadurpur P.S. Case No. 492 of 2019 , subject to the condition 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

(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'.

