

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21031 of 2021**

Arising Out of PS. Case No.-221 Year-2020 Thana- DARBHANGA SADAR District-  
Darbhanga

=====

Lalan Babu Yadav @ Lal Babu Yadav, son of Rajendra Yadav, Resident of  
Village - Sara Mohapur, P.S.- Sadar, Distt.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

**Appearance :**

For the Petitioner/s : Mr.Kedar Jha, Advocate  
For the Informant : Mr. Manoj Kumar, Advocate  
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

3      03-11-2021                      Heard learned counsel for the petitioner, learned  
counsel for the informant and Mr. Akhileshwar Dayal, learned  
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail  
in connection with Sadar P.S. Case No. 221 of 2020 registered  
for the offences punishable under Section 147/148/149/341/323/  
325/307/379/427 of the Indian Penal Code . He is in custody  
since 30.08.2020 having no criminal antecedent as stated in  
paragraph '3' of the application.

Learned counsel for the petitioner submits that from a  
bare reading of the First Information Report it would appear that  
both the parties are own gotias and they are close door  
neighbours, the alleged occurrence seems to have taken place  
after this petitioner enquired about as to who were spreading the



dirt in the street.

Learned counsel submits that there is a case and counter case between the parties with respect to the same occurrence. The petitioner has himself suffered injury due to the assault caused by the prosecution side of this case.

It is further submitted that in the present case altogether nine persons have been named as an accused, so far as the present petitioner is concerned, the allegation against him is that he had assaulted the brother of the informant on his head by a Farsa. It is further alleged that the mother of this petitioner had also assaulted the brother of the informant by a Khanti on his mouth. It is submitted that a wrong explanation has been furnished by the prosecution side that because there was no doctor in the Darbhanga Medical College Hospital, therefore his brother was taken to a private hospital.

It is submitted that in the same occurrence when this petitioner got injured he was referred to Darbhanga Medical College Hospital where he was getting treatment, therefore the injury report prepared by a private hospital at the instance of the informant's side is not believable. It is submitted that as per the injury report of the private hospital the brother of the informant had suffered three injuries and out of that injury no. 1 is said to



be grievous in nature, submission is that in the nature of dispute between the parties where there was no pre-mediation of mind and both the parties have assaulted each other, the petitioner has already remained in custody for about one year three months and at this stage the investigation is complete but the trial is not likely to take place, the petitioner deserve privilege of bail.

Learned counsel for the informant has opposed the prayer for bail of the petitioner. It is his submission that even though there is a case and counter case between the parties but the fact that all the accused persons had assembled and assaulted the informant's side shows that they had planned the attack. In course of his submission, learned counsel for the informant however does not dispute that both the parties are own gotias and the dispute had taken place when the petitioner enquired about the spreading of dirt by the petitioner's side. Both the sides have suffered injuries.

Learned A.P.P. for the State has endorsed the submission made on behalf of the informant.

Having regard to the facts and circumstances of the case, the nature of dispute in which apparently the quarrel took place after this petitioner enquired about spreading of dirt by the informant's side, both the sides seems to have assaulted each



other and received injuries at the hand of each other, the petitioner has already remained in custody for one year three months, investigation against him is complete, but the trial is not likely to take place in near future, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Sadar P.S. Case No. 221 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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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'.

