

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24121 of 2020

Arising Out of PS. Case No.-306 Year-2019 Thana- MADHUBAN District- East Champaran

Yogendra Ram, Male, aged about 40 years, Son of Deo Nandan Ram,
Resident of Village - Kothiya, P.S. - Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate
For the State : Mr.Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-01-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Madhuban P.S. Case No. 306 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354, 504, 506, 34 of the Indian Penal Code.

The prosecution story in brief is that the informant Birendra Ram submitted his written application before S.H.O. Madhuban Police Station stating therein that on 10.12.2019 at about 9 A.M., the petitioner along with seven others were cutting jack fruit tree and on sound of falling tree, the informant and his wife Priyanka Devi went there and said that it is a joint property (tree) why they are cutting it and tried to stop them and in the meanwhile, accused persons started to abuse and assault



them and were telling that the informant has no any share in that property and the wife of the informant came to rescue him, then co-accused DeepakRam assaulted her with lathi and torn her clothes and the petitioner with an intention to kill her, gave blow of axe on her head due to which injury was caused on her head and she fell down on the ground and the accused person took away her earring and with the help of villagers, she was being treated in Primary Health Centre at Madhuban.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner has got no any criminal antecedent. He further submits that the occurrence took place on 10.12.2019 and F.I.R. was lodged on 13.12.2019. There is no explanation regarding the delay. He further submits that the petitioner and the informant are full brother and for cutting jack fruit tree, some altercation took place between them and due to that reason, this false case has been filed against the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail.

I have gone through the record along with the case diary. The injury report shows that the injury is grievous in



nature.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner. Accordingly, the prayer for anticipatory of the above named petitioner in connection with Madhuban P.S. Case No.306 of 2019 pending in the court of learned A.C.J.M.-IV, Motihari is hereby rejected. However, the petitioner is directed to surrender before the court below and pray for regular bail and the learned court below shall pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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