

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6194 of 2021**

Arising Out of PS. Case No.-265 Year-2019 Thana- JHAJHA District- Jamui

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Tejo Yadav Son Of Sito Yadav Resident Of Village-Vaijla, P.S. Jhajha, Dist-
Jamui.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

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

2 17-12-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Asha
Kumari, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Jhajha P.S. Case No. 265 of 2019
registered for the offences punishable under Sections 147, 148,
149, 323, 324, 307, 354, 379, 506, 504, 337 of the Indian Penal
Code. The petitioner has no criminal antecedent.

Learned counsel for the petitioner draws the attention
of this Court towards the FIR lodged by this petitioner at first
instance on 06.09.2019 itself giving rise of Jhajha P.S. Case No.
263 of 2019. It is submitted that as per the said FIR, this



petitioner was assaulted by the husband of the informant of Jhajha P.S. Case No. 265 of 2019. The injury report of the petitioner discloses one injury on his head which is simple in nature.

Learned counsel submits that Jhajha P.S. Case No. 265 of 2019 in which this petitioner has been made accused was lodged on 07.09.2019 with respect to the same occurrence. The allegation is that this petitioner had assaulted the husband of the informant by a farsa on his head, the injury report of the husband of the informant shows one injury on the head caused by sharp cutting weapon but the said injury is simple in nature.

The submission is that both the parties have got land dispute and the said land dispute as it appears both the parties have indulged in a free fight, the petitioner has otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but considering the facts and circumstances, particularly that the case against the husband of the informant is prior in time and the totality of the circumstance suggests that both the parties have assaulted each other on account of land dispute, the injuries are simple in nature to both the parties, the petitioner has otherwise no



criminal antecedent, this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jamui in connection with Jhajha P.S. Case No. 265 of 2019, subject to the conditions as laid down under Section 438(2) 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.

The application stands 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'.

