

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.838 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- BARAULI District- Gopalganj

1. PAPPU KUMAR @ PAPPU KUMAR YADAV Son of Indrashan Yadav Resident of Village - Ratan Darai, Tola Surwal, Ward No. 16, P.S. - Barauli, District - Gopalganj
2. RANJEET YADAV @ RANJEET KUMAR YADAV Son of Indrashan Yadav Resident of Village - Ratan Darai, Tola Surwal, Ward No. 16, P.S. - Barauli, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 341, 342, 307, 323, 324, 504, 34 of the Indian Penal Code.

The prosecution allegation, in short, is that while the informant along with her son was returning, the accused persons caught hold of his son and assaulted with sharp cutting weapon due to which he sustained injury.



It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As far as petitioner no. 1 is concerned, it is alleged that he had given an iron rod blow upon the son of the informant. From perusal of the injury report, it appears that there is no injury caused by hard and blunt substance. As far as petitioner No. 2 is concerned, there is allegation of causing injury by knife on the head of the informant. It is further submitted that at best it is a case for offence under section 325 IPC. There is admitted land dispute between the parties and for the said reason, the petitioners have been made accused in the present case for oblique reasons.

On behalf of the State, it is submitted that petitioners are named in the F.I.R. There is specific allegation against petitioner no. 2 for giving knife blow on the head of the son of the informant. The injury report corroborates with the allegations made in the F.I.R. with respect to petitioner petitioner no. 2. The nature of injury is said to be grievous.

Considering the aforesaid facts and circumstances, the petitioner no. 1, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks



from today, be released on anticipatory bail on his personal bonds to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with Barauli P.S. Case No. 71/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 1 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

So far petitioner no. 2 is concerned, I am not inclined to grant anticipatory bail to the petitioner. The prayer is rejected. If the petitioner No. 2 surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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