

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4748 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- VIJAYEPUR District- Gopalganj

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YOGENDRA RAJBHAR @ YOGENDAR RAJBHAR S/o Late Rajdev
Rajbhar R/o Village- Khairatiya, P.S.- Vijaipur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar I, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 05-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Vijaipur P.S. Case No. 86 of 2020 registered for the offence punishable under Sections 341, 323, 307, 379 of the Indian Penal Code.

The prosecution story in short on basis of written report of one Mahendra Rajbhar is that on 13.06.2020 at 11:00 P.M., petitioner assaulted his brother by means of iron rod with an intention to kill due to which informant's brother sustained



injury and fell down. The petitioner also inflicted iron rod on the shoulder of the informant causing injury to him. The petitioner also looted Jewellery and Rs. 10,000/- from the house of the informant and fled away.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. The occurrence has taken place on 13.06.2020 at 11:00 PM but the present case was lodged only on 14.06.2020 at about 11:40 A.M. without any explanation. It is submitted that injury report of the informant is not on the record till submission of the charge sheet, therefore, the informant has not sustained any injury. The allegation against the petitioner is that, he allegedly inflicted iron rod over the head of the brother of the informant and also over the shoulder of the informant, the injuries sustained by the informant's brother have been examined by the doctor. It has been found to be simple in nature and superficial caused by hard and blunt substance except one injury. There is no allegation of repetition of blow. He submits that opinion of the doctor about the grievous injury is thoroughly absurd. He is quite innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical



possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as mentioned in Para 3 of the bail application and has been languishing in custody since 15.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Vijaipur P.S. Case No. 86 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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