

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37215 of 2021

Arising Out of PS. Case No.-293 Year-2020 Thana- SIKARPUR District- West Champaran

1. Umesh Yadav Son of Kundan Yadav
2. Baidyanath Yadav Son of Kundan Yadav
3. Ramesh Yadav Son of Kundan Yadav all Resident of Village - Kesharia,
P.S.- Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sachida Nand Rai, Adv.
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP
For the Informant		Mrs. Rashmi Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioners, informant and learned Additional Public Prosecutor for the State through the virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 354B, 379, 504, 506/34 of the Indian Penal Code.

Petitioners and other accused persons assaulted the informant due to land dispute. They inflicted sharp cutting weapon on his head and when his wife came to save him then



they also assaulted her and snatched her gold chain and outraged her modesty. The also assaulted to his brother by lathi on his eye.

It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that the informant was examined by the Doctor and he found injuries are simple in nature caused by hard blunt substance. He submits that neither the police has found the case under Section 307 of the IPC nor cognizance has been taken under the same offence but the learned court below held that Section 307 of the IPC is attracted, which is bad in the eye of law. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shikarpur P.S. Case No. 293 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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