

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41357 of 2022

Arising Out of PS. Case No.-239 Year-2019 Thana- KHIJARSARAI District- Gaya

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Pramod Yadav @ Pramod Kumar Son of Ramasharay Yadav Resident of
Village - Sarju Bigha, P.s.- Khizersarai, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in connection with
Khizersarai P.S Case No. 239 of 2019 registered for the offences
punishable under Sections 341, 323, 325, 308, 337, 338, 427,
428, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution, the informant in his fardbeyan
has alleged that his neighbours Pramod Kumar (petitioner) and
co-accused Subodh Kumar assaulted him by means of Lathi and
Khanti. The petitioner gave a blow on the informant's head by
means of khanti and co-accused Subodh Kumar broke his left
hand by means of Lathi, thereafter some more co-accused
persons arrived at the alleged place and started abusing and



assaulting the informant and on seeing the villagers they fled away. Further it is alleged that few years ago co-accused Rampravesh Yadav had killed the informant's cousin brother for which Khizesarai P.S. Case No. 41 of 2005 was instituted and there is a land dispute running between both the parties.

The main submissions advanced by learned counsel Mr. Manish Kumar No.2 appearing for the petitioner are that in between both the parties a land dispute is an admitted fact, the FIR of the instant case was lodged thirteen days after the alleged occurrence, in fact, the prosecution party assaulted the petitioner's wife and other persons for which Khizersarai P.S. Case No. 231 of 2019 was lodged and during the course of treatment the petitioner's wife died and thereafter the informant of the instant case lodged the instant case with an intention to create defence.

Mr. Jitendra Kumar Singh, learned APP appearing for the State has opposed the prayer for bail.

In view of the above submissions and considering the petitioner's custody period and mainly the facts that the FIR was lodged after the delay of thirteen days from the alleged occurrence and in between both the parties there is some continuous dispute and the instant case is stated to be the



counter blast of petitioner's case as per the above submission and petitioner's wife succumbed to the injuries which were allegedly inflicted by the accused persons of Khizersarai P.S. Case No. 231 of 2019 having connection with the co-accused persons of the instant case, in the opinion of this court the petitioner deserves to a lenient approach of this Court, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate- 4th, Gaya in connection with Khizersarai P.S. Case No. 239 of 2019.

(Shailendra Singh, J.)

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