

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41820 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- ALINAGAR District- Darbhanga

Ramprit Yadav, Son of Late Sukhdeo yadav, Resident of Village - Shyampur,
Police Station- Alinagar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jagdish Prasad Singh, Advocate
For the State	:	Mr.Raj Kishor Singh, APP
For the Informant	:	Mr. Sanjeev Nikesh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant
through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Alinagar P.S. Case No. 36 of 2022 registered
for the alleged offences under Sections 341, 323, 342, 325, 337,
338, 379, 354, 504 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and his family
members assaulted the informant, her mother, brother and sister
with *lathi*, *danda*, bricks and chips. The occurrence took place
in the background of dispute over drainage of water of



washroom of the petitioner on the land of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant and others came into the courtyard of the petitioner and asked him to remove the bathroom from which discharge got deposited on the land of the informant and the petitioner protested and said that bathroom and water discharge was on his share of land. Informant's side became furious and assaulted the petitioner and his family members for which complaint case bearing C.R. No. 96 of 2022 was filed in the court of C.J.M. The persons of petitioner's side also received injuries and to save themselves, the informant has filed this case. Learned counsel further submits that from the facts of the case it appears only allegation against the petitioner is that he caught hold of the informant and there is no allegation of assault against this petitioner. It is also apparent from the FIR that the petitioner and informant are agnates and there is land dispute between the parties. The petitioner is in custody since 24.05.2022 and the charge-sheet has been submitted in this case.

Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the petitioner submits that the



petitioner is the king-ping, who lead the rampaging mob and caused a number of injuries to the informant's side. Charge-sheet has been submitted after incorporating Sections 307 and 324 of IPC. Learned counsel further submits that there is allegation against the petitioner that he assaulted the mother and sister of the informant along with other co-accused persons.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against this petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Benipur, Darbhanga in connection with Alinagar P.S. Case No. 36 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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