

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43402 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- PIPRIYA District- Lakhisarai

=====

Anil Yadav Son of Munna Yadav Resident of Village- Dih Piparia, P.s.-
Piparia, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 08-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with Piparia
P.S. Case No. 92 of 2021 registered for the offences punishable
under Sections 447, 341, 323, 307, 427, 504, 506 and 34 of the
Indian Penal Code.

As per the prosecution, this petitioner is alleged to have
assaulted the informant by means of *Iron Rod* at the head of the
informant.

The main submissions advanced by learned counsel
Mr.Mukesh Kumar, appearing for the petitioner are that in

between both the parties there is a land dispute and there is a case and counter-case in between them and the mother of the petitioner lodged Piparia P.S. Case No. 93 of 2021 against the prosecution party and persons from both the sides sustained injury and a land dispute is stated to be the genesis of the occurrence and there is no allegation of repeated blows by *Iron Rod* against this petitioner. Further submission is that the petitioner has been languishing in jail since 07.05.2022 and admittedly a land dispute is running in between both the parties.

Learned APP Mr. Mithlesh Kumar Khare, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the order of learned Court below. There is a case and counter-case in between both the parties and a land dispute is stated to be the genesis of the occurrence. Though this petitioner allegedly assaulted at the head of the informant by means of *Iron Rod* but there is no allegation of repeated blows by him on the body of the informant and at the skull of the informant only one injury measuring 1.5” x 1” was found as mentioned in the order of learned court below and the FIR goes to show that the alleged occurrence of assault took place at the spur of moment and the same does not appear having occurred in planned manner. In the

light of these facts as well as considering the above submissions and petitioner’s custody period, in the opinion of this Court, the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Piparia P.S. Case No. 92 of 2021.

(Shailendra Singh, J.)

maynaz/-

U		T	
---	--	---	--