

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44454 of 2022

Arising Out of PS. Case No.-227 Year-2020 Thana- BABUBARHI District- Madhubani

1. Manohar Yadav Son Of Late Swaroop Yadav R/O Village- Khojpur Tola Khirkhiriya, Police Station- Babubarhi, Dist.- Madhubani
2. Rajgir Yadav Son Of Manohar Yadav R/O Village- Khojpur Tola Khirkhiriya, Police Station- Babubarhi, Dist.- Madhubani

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2022 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 323/34 and other allied sections of the Indian Penal Code.

Prosecution's case in short is that all the FIR named accused persons including these petitioners assaulted the informant with iron rod causing him injuries. When his wife came to save him, accused persons tried to outrage her modesty and also snatched her ornaments and other house hold belongings.

Learned counsel appearing for the petitioners submits that due to land dispute occurrence of simple marpit took place between the parties. Case and counter case. It is further submitted that there is delay of 5 days in lodging of the FIR and there is no plausible explanation which itself creates doubt over the prosecution case. Injury report cannot be believed as occurrence is alleged of dated 7.8.2022, whereas injury report



is dated 6.8.2022. Petitioners have got no criminal antecedent.

Considering the nature of allegation against the petitioners, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate I, Madhubani in Babubarhi Police Station Case No. 227 of 2020, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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