

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50436 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- KURTHA District- Jehanabad

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TRIBHUWAN YADAV SON OF SURYADEO YADAV R/O VILLAGE-
MOTEPUR, P.S.- KURTHA, DISTRICT- ARWAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate

For the Opposite Party/s : Ms.Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel appearing for the petitioner
and learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Kurtha P.S. Case No. 37 of 2022 for the offence punishable under Sections 323, 341, 324, 325, 308, 379, 504, 506 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that while the informant was unloading bricks from a tractor besides the door of his house on the alleged date and time of the occurrence, the petitioner came there and started abusing him, whereafter altercation had taken place, on account of quarrel having erupted regarding removal of bricks from the place where the same had been unloaded, leading to the petitioner assaulting the informant by means of *farsa* on his head, whereupon the co-



accused persons had also assaulted the informant and others.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 06.06.2022. The learned counsel for the petitioner has further referred to the injury report of the informant to submit that the injury has only been found on the right hand of the informant and the same has been depicted as grievous injury on account of fracture having been detected after x-ray was conducted, hence it is submitted that the allegation levelled against the petitioner does not stand corroborated by the injury report. It is next submitted that in any case the injury sustained by the informant is on the non-vital part of the body, hence the petitioner cannot be stated to be having any intention of inflicting life threatening grievous injury upon the person of the informant. Lastly, it is submitted that the present case arises out of case and counter case.

Per contra, the learned A.P.P. appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the injury inflicted upon



the informant is on the non-vital part of his body, i.e. on his hand, whereas the petitioner has been alleged to have inflicted *farsa* blow on the head apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 06.06.2022, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail upon him furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Arwal in connection with Kurtha P.S. Case No. 37 of 2022.

(Mohit Kumar Shah, J)

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