

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9179 of 2021

Arising Out of PS. Case No.-195 Year-2020 Thana- BHAGWANPUR District- Begusarai

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YOGENDRA RAI @ YOGINDER RAY SON OF LATE NARSINGH RAI
R/O VILLAGE- SHERPUR CHAKKA SAHILORI, P.S.- BHAGWANPUR,
DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office, within four weeks after resumption of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with Bhagwanpur P.S. Case No.195 of 2020, registered for the offence punishable under sections 147, 341, 323, 324, 354(a), 308, 379, 504 of the IPC.

The crux of the prosecution case is that petitioner along with other accused persons came variously armed to the



informant's house and started misbehaving with his wife. On protest, they assaulted the informant's side. Allegation against the petitioner is that he assaulted on the head of the informant by means of spade due to which blood started oozing out from his head and he fell down.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has not committed any offence. He has been falsely implicated in this case due to dirty village politics and land dispute. There is a delay of days of three days in lodging the FIR, as the occurrence took place on 20.08.2020 but the FIR was lodged on 23.08.2020, without giving any proper explanation regarding the delay, which itself creates doubt about the prosecution case. There is general and omnibus allegation against the petitioner. The injury report shows the injury of the informant as simple in nature caused by hard and blunt object. There is admitted land dispute between the parties, for which Title Sit No.412 of 2015 is going on in the Court of learned Senior Civil Judge-1, Begusarai. The parties are agnates and for the alleged occurrence, there is a case and counter-case between the parties and both sides have sustained injuries. It is further submitted that petitioner has no criminal antecedent, as such, he may be enlarged on anticipatory bail.



Learned APP for the State opposed the prayer for bail.

In the facts and circumstance of the case, the above named petitioner, in the event of his surrender/arrest before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Bhagwanpur P.S. Case No.195 of 2020, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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