

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72041 of 2021**

Arising Out of PS. Case No.-235 Year-2020 Thana- BARHARIA District- Siwan

Satyendra Yadav @ Satyendra Kumar Yadav, S/O- Bhagelu Yadav R/O
Village- Paharpur, P.S.- Barharia, District- Siwan.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Lalan Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 02-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on account of dispute between Chhathiya Devi and mother of the informant, the petitioner inflicted knife blow causing injury on the stomach of the informant. Further, on alarm, the villagers gathered and accused fled away, but villagers managed to snatch the knife from the petitioner.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that the F.I.R. does not disclose the reason for the occurrence that as to why Chhathiya Devi was abusing the mother of the informant. It is next submitted that the occurrence took place for



the reason that the informant and his family members were accusing Chhathiya Devi of being a witch and when petitioner being brother-in-law protested, he was caught by the informant from behind and his nephew Nitish Kumar tried to stab the petitioner, but the petitioner managed to save himself by moving aside and the knife caused injury in the stomach of the informant. It is next submitted that the defence as propounded by the petitioner appears probable for the reason that the F.I.R. does not even disclose the name of the villagers, who snatched the knife from the hand of the petitioner.

The learned counsel next submits that the same was done intentionally as informant was aware that since no villagers had seen the occurrence, nor any one had snatched the knife from the petitioner, hence during the course of investigation, the said fact would transpire and that perhaps appears to be the reason for not disclosing the name of the villagers. The learned counsel next submits that it absolutely does not stand to reason that such an occurrence took place and the informant does not remember the name of the villagers, who snatched the knife from the hand of the petitioner. The learned counsel thus submits that since the knife was used by the nephew of the informant and the injury was caused unintentionally as nephew intended to stab the petitioner, but missed and hit the informant causing injury. The learned counsel next submits that perhaps explains the reason why the allegation in the F.I.R. appears to be vague and cryptic i.e. no motive or reason has



been disclosed, nor the F.I.R. discloses that as to why Chhatiya Devi was abusing the mother of the informant.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner and also taking into consideration the age of the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Barhariya P. S. Case No.235 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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