

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72237 of 2021

Arising Out of PS. Case No.-129 Year-2021 Thana- KHIJARSARAI District- Gaya

Ranjeet Yadav Son of Late Ramnath Yadav Resident of Village- Beldari, P.S-
Khizersarai, Dist- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-07-2022 The application has been listed under the heading
“For Orders”.

Registry has pointed out several defects in the present
application.

Mr. Vinod Kumar, learned counsel for the petitioner
submitted that the defects are mainly because only e-filing of
the applications are permitted by the Court. He submitted that
the defects can be removed only after filing of hard copy is
permitted. He undertook that even if the applications are heard
and disposed of on merit, in due course of time, when the Court
would permit filing of hard copy, the defects pointed out by the
registry would be removed.

In view of the submissions made by the learned
counsel for the petitioner, with consent of the parties, the



application has been taken up for hearing on merit.

The petitioner seeks pre-arrest bail in connection with Khizersarai (Sarbahda O.P.) Case No. 129 of 2021 registered for the offences punishable under Sections 147, 341, 323, 307 and 379 of the Indian Penal Code.

According to the prosecution case, on 07.05.2021 at about 08:00 AM, when the informant went to his ancestral land, the petitioner and co-accused Arjun Yadav, Chhote Yadav and Satrudhan Yadav after forming unlawful assembly reached there and entered into an argument claiming the palm tree to be their own. The petitioner put *gamachha* around his neck and Arjun Yadav ordered to kill the informant on which the co-accused Chotte Yadav gave a *garasa* blow on the head of the informant due to which he sustained grievous injury.

Learned counsel for the petitioner submitted that no overt act is alleged against the petitioner. He was not even armed with any weapon. His name has been given in the first information report (FIR) merely because he happens to be the relative of the co-accused Chhote Yadav. He contended that on the facts and in the circumstances of the case, the ingredients of the offence punishable under Section 307 of the Indian Penal Code are not attracted, as there is lack of material to suggest that



the accused persons ever intended to kill the informant.

On the other hand, learned counsel for the State opposed the prayer for grant of pre-arrest bail to the petitioner. She contended that the order passed by the court below would suggest that the informant had fracture of left frontal bone and had suffered left front parietal scalp edema and sub-cutaneous emphysema.

Be that as it may, since the specific allegation of causing injury to the informant by *garasa* is confined against the co-accused Chhote Yadav, the petitioner who is said to be a man of clean antecedent is directed to be released on bail, in the event of his arrest or surrender before the court below, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-IV, Gaya in connection with Khizersarai (Sarbahda O.P.) Case No. 129 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

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