

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.636 of 2022

Arising Out of PS. Case No.-342 Year-2020 Thana- JHAJHA District- Jamui

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1. BAIJNATH YADAV Son of Durga Yadav Resident of Village - Alakjara, P.S. - Jhajha, District - Jamui.
 2. Surendra Yadav @ Surendra Kumar Yadav Son of Meghan Yadav Resident of Village - Alakjara, P.S. - Jhajha, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 354(A), 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

On account of land dispute, the present occurrence
took place in which it is alleged that Baijnath Yadav assaulted
the informant by an iron rod causing injury at his head and
Surendra Yadav assaulted him by an axe causing injury at his



head also and when the family members of the informant came to save him, all the accused persons also assaulted them.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case on account of land dispute. There is a case and counter case. It is next submitted that from the side of the petitioners Jhajha P.S. Case No. 245 of 2020 has been instituted against the informant and other accused persons. It is next submitted that there is specific allegation of assault on the informant by Baijnath Yadav and Surendra Yadav. It is further submitted that as far as Surendra Yadav is concerned, he is alleged to have assaulted the informant by an axe which is a sharp edged weapon. It is next submitted that from perusal of the injury report, it would manifest that there is only one injury on the head which has been caused by hard and blunt substance.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the injury report corroborates the allegation of assault, at least, by Baijnath Yadav as he is alleged to have assaulted by an iron rod.

Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner no. 2 above-named, in the event of his arrest or surrender before the learned



Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jhajha P.S. Case No. 342 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The Court is not inclined to extend the privilege of anticipatory bail to the petitioner no. 1. Hence, his prayer for anticipatory bail is refused.

(Satyavrat Verma, J)

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