

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29189 of 2023

Arising Out of PS. Case No.-713 Year-2022 Thana- MADHEPURA District- Madhepura

1. Maheshwari Yadav Son Of Ratan Yadav Resident Of Village- Bardaha Goth PS- Madhepura (Permanandpur OP), Distt- Madhepura.
2. Pintoo Yadav Son Of Maheshwari Yadav Resident Of Village- Bardaha Goth PS- Madhepura (Permanandpur OP), Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the office,
be removed within a period of four weeks from today.

03. In the present case, the petitioners are apprehending
their arrest in connection with Madhepura (Permanandpur O.P.)
P.S. Case No. 713 of 2022, registered on 28.07.2022, for the
alleged offence under Sections 147, 148, 149, 341, 323, 324, 325,
307, 354B, 379, 504 and 506 of the Indian Penal Code.

04. As per prosecution case, in the background of some
land dispute, the petitioners and other co-accused persons tried to
grab the land of the informant and when it was opposed by the
informant and her family members, petitioner No.1 put down the



informant and co-accused tore her blouse. Petitioner No.2 snatched a gold chain from the informant and other co-accused persons also snatched ear-ring and *payal* and slapped the informant. Further allegation against the petitioners and other co-accused persons is that they all assaulted the husband of the informant and one Chandeshwari Yadav with *lathi* and *danda*. Further allegation against the petitioner No.2 is that he fractured the left hand of the informant by assaulting her with iron rod and he along with other co-accused persons tore the *Saree* and *Petticoat* of the informant and further allegation against petitioner No.2 is that he threatened all with country-made pistol.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. There is mostly general and omnibus allegation alleged against all the accused persons. There is specific allegation against petitioner No.1 and 2 only for putting the informant down and assaulting her with iron rod on her hand and taking her gold chain, respectively but these allegations are false. Learned counsel further submits that the injury reports do not support the case of prosecution. The injuries are mostly simple and are on non-vital parts. Further, there is no allegation of any repetition of blow. Therefore, no offence either under Sections 324 and 307 of the IPC is made out against



the petitioners. The allegation of outraging the modesty of the informant is simply to make the case serious and allegation of theft is ornamental in nature. There is no material available on record to show that any case is made out under Section 354B, 307 and 379 of the IPC. All the injuries are lacerated wounds, bruises, abrasions and swelling. Learned counsel further submits that, for the same occurrence, the petitioners' side has lodged Madhepura (Permanandpur O.P.) P.S. Case No. 714 of 2022, which has been registered under Sections 147, 148, 149, 341, 323, 324, 354(B), 379, 504 and 506 of the Indian Penal Code

06. Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that specific allegation for certain offences have been made against the petitioners.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties and also the background of land dispute and probability of false implication and further considering the nature of injuries said to have received, which are mostly bruise, abrasion and swelling, let the petitioners, above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to



the satisfaction of learned Judicial Magistrate/concerned court,
Madhepura in connection with Madhepura (Permanandpur O.P.)
P.S. Case No. 713 of 2022 subject to the condition laid down under
Section 438(2) of the Code of Criminal Procedure and other
following conditions:

- (i) One of the bailors will be a close relative of the
petitioners.
- (ii) The petitioners will remain present on each and
every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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