

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33927 of 2023

Arising Out of PS. Case No.-129 Year-2021 Thana- LAKHNAUR District- Madhubani

Badyanath Yadav Son of Dev Narayan Yadav Resident of village - Kamrail,
P.S. - Marauna, Distt. - Madhubani, Bihar - 847408

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priyajeet Pandey, Advocate
For the Opposite Party/s	:	Mr. Gulnar Begum, APP
For the Informant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as 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 petitioner is apprehending
his arrest in connection with Lakhnaur P.S. Case No.129 of 2021,
registered on 22.07.2021, for the alleged offence under Sections
147, 148, 149, 341, 323, 324, 308, 354(B), 379 and 504 of the
Indian Penal Code.

04. As per prosecution case, the informant gave a
written report that she and her sister-in-law were assaulted by the
petitioner and other co-accused persons with slaps and fists. They
also disrobed her and her sister-in-law. When the husband of the
informant tried to save them, the petitioner hit him with an iron
rod on his head, causing injury on his head.



05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Learned counsel further submits that both the parties are agnates and there is an old dispute regarding distribution of land and this fact is apparent from the FIR. The present case has been lodged due to personal grudge, malice and with intention to harm and humiliate to the petitioner. Only one injury has been found on the person of the husband of the informant and it is merely a bruise and the nature of injury is said to be simple. At the same time, during investigation, it was found that the informant and her sister-in-law did not receive any injury. There is injury of iron rod on the husband of the informant. The informant side has further lodged another false and concocted case bearing Ghoghardhiha P.S. Case No. 100 of 2022, in which the husband of the informant is the informant. Learned counsel further submits that other allegations regarding outraging the modesty and snatching of jewellery are completely false.

06. Learned A.P.P. for the State as well as learned counsel counsel for the informant oppose the prayer for bail. Learned counsel for the informant submits that there is specific allegation against the petitioner that he hit on the head of the husband of the informant with an iron rod and injury on his head has been found.



07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation and the corresponding injury which is said to be merely a bruise over forehead, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur/concerned court in connection with Lakhnaur P.S. Case No. 129 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 petitioner.
- (ii) The petitioner 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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