

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36197 of 2023

Arising Out of PS. Case No.-380 Year-2022 Thana- GHOSI District- Jehanabad

VIKASH KUMAR @ VIKASH YADAV Son of Ramashish Yadav Resident
of village - Garaibigha, P.S. - Ghosi, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Shivendra Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Nand Kishore
Prasad, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Ghosi P.S. Case No. 380 of 2022, registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
325, 307, 379 and 504 of the Indian Penal Code.

3. Allegedly, on account land dispute, all the FIR
named accused persons, including the petitioner, armed with
weapon, barged into the house of the informant and started
abusing. On protest being made, co-accused Ram Laddu Kumar
and the petitioner assaulted her by means of deadly weapon due
to which she sustained injury on her head and hand. It is further
alleged that other accused persons also assaulted the husband



and mother-in-law of the informant due to which they also sustained injury. Further allegation has been levelled that co-accused persons took away the box containing ornaments of her mother.

4. Learned counsel appearing on behalf of the petitioner submits that both the parties are own *gotiyas* and admittedly there is land dispute which resulted into case and counter case being Ghosi P.S. Case No. 382 of 2022 registered by one of the co-accused. He next submits that as per the FIR the occurrence took place on 30.06.2022 and the FIR has been instituted on 02.07.2022 but there is no explanation with regard to delay in lodging of the FIR. He has further drawn the attention of this Court to the impugned order and with reference thereto he submits that the doctor has found the injury on her head with giddiness and vomiting, however, nature of the injury kept reserved. He next submits that the petitioner has absolutely clean antecedent and he undertakes that he will fully cooperate in the investigation and will not indulge in intimidating the witnesses or in such type of crime.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the delay in lodging of the FIR and the nature of injury, coupled with the case and counter case and the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No. 380 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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