

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37014 of 2023

Arising Out of PS. Case No.-210 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Ajit Yadav @ Ajit Kumar Yadav @ Ajit Kumar S/O Ramjeet Yadav R/O Vill.
Mishrwaliya Ps. G.B. Nagar, Dist. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Prakash Singh, Adv.
For the Informant	:	Mr. Ram Sandesh Rai, Adv.
For the Opposite Party/s	:	Mr. Zainul Abedin, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Bijay Prakash Singh, learned counsel for

the petitioner, Mr. Ram Sandesh Rai, learned counsel for the

informant and learned APP for the State.

2. The Petitioner is apprehending his arrest in
connection with G.B. Nagar P.S. Case No.210 of 2020,
registered for the offences punishable under Sections 341, 323,
325, 307, 504, 506, 34 of the Indian Penal Code.

3. it is alleged that on account of a dispute regarding
theft of sand all the accused persons assaulted the informant and
his family members due to which they sustained serious injuries.



It is specifically alleged that the petitioner repeatedly assaulted Sudama Yadva by means of *garasa* due to which he sustained head injury. Further, allegation has been leveled against other co-accused persons of assault by means of other weapons.

4. Learned counsel appearing on behalf of the petitioner submits that admittedly on account of previous dispute this FIR has been lodged against the petitioner. He further submits that the police after investigation submitted final form showing him innocent and he has not been sent up for trial, however, differing from the final form the learned Court below has taken cognizance for the offences as alleged in the FIR. He has further drawn the attention of this Court to the injury report and with reference thereto he submits that though the injured Sudama Yadav sustained four injuries, however the injuries have been found to be simple in nature. So far the injury nos.1, 2 and 3 are concerned, they are caused by hard and blunt substance wherein injury no.4 is caused by sharp cutting object. He next submits that there is a counter version of the present case being G.B. Nagar P.S. Case No. 212 of 2020 registered by the father of the petitioner and in fact on account of a free fight the persons of both the side have sustained injury. Apart from that the petitioner is a student, pursuing his study as has been stated



in Paragraph 12.

5. On the other hand learned counsel for the informant vehemently opposes the bail application and submits that specific allegation has been leveled against the petitioner which is also corroborated by the injury report and from perusal thereof it appears that the injury is dangerous to the life of the injured. He also refuted the submission that any final form has been submitted in favour of the petitioner.

6. The learned counsel for the State also opposes the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that there is a counter version of the present case and moreover the police has not sent up the petitioner for trial, coupled with the fact that he is a student of Bachelor of Technology and the injury report is suggestive of simple injury, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I Class, Siwan in connection with G.B. Nagar P.S. Case No.210 of 2020, subject to the condition



as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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