

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43181 of 2023

Arising Out of PS. Case No.-1255 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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SHIV DHARI YADAV SON OF AMIRAK YADAV RESIDENT OF
VILLAGE- BARIYO, PS- NARDIGANJ, DISTT- NAWADA

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAJHANSH KUMAR SON OF RAM KHELAWAN PRASAD RESIDENT
OF VILLAGE- BARIYO, PS- NARDIGANJ, DISTT- NAWADA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 325,
326, 406, 417 of the Indian Penal Code.

3. The complainant alleges that he along with the
other accused persons went to Ludhiyana for work as Shivdhari
and Manoj were working from before and they had assured that
they will give him Rs. 12,000/- per month, but despite working
till Diwal, he was not paid his wages and they gave him Rs.
1,000/- only and said that his wage would be paid during Chatt,
it is next alleged that on 13.11.2019, he went to demand his



wages when he was assaulted by lathi and danda causing injury to his eyes, further, for want of money he got himself treated in the village but when the injury became serious, he got treated at Rajgir and thereafter, at IGIMS, Patna.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that even the complaint has been lodged after a great delay, it is further submitted that it absolutely does not stand to reason that as to why an FIR was not instituted, it is next submitted that it appears that a complaint case came to be instituted only with a view that in the event if an FIR is instituted, the police would promptly investigate the case and would found the allegations false but then when a complaint is filed cognizance is taken based on the evidences adduced from the side of the complainant. It is further submitted that from perusal of the allegations also, it would manifest that it has not been alleged with clarity and certainty that as to who assaulted the complainant leading to injury, it is next submitted that there is no specific allegation of assault against the petitioner.

6. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Compliant Case No. 1255 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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