

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43419 of 2023**

Arising Out of PS. Case No.-260 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

=====

RAKESH YADAV S/O HARERAN YADAV R/O Village- Laxaminiya, P.S.-
Kusheswar Sathan, Distt.- Darbhanga. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gajendra Prasad Yadav
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2023 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 341, 323,

324, 325, 308, 427 & 504/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he

along with other co-accused is said to have abused and assaulted

the informant and his family members.

4. It is submitted by learned counsel for the petitioner

that no such occurrence as alleged ever took place. He has been

falsely implicated in this case due to a petty dispute of fight

between the children. The allegation levelled against the

petitioner is not specific rather general and omnibus in nature.

Both sides have filed cases against each other. It is further

submitted that in fact there was free fight between the parties in



which both sides have sustained injury. There is inordinate delay of two days without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Having regard to the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Kusheshwar Sathan P.S. Case No. 260 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

