

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45944 of 2023

Arising Out of PS. Case No.-602 Year-2022 Thana- BAHERA District- Darbhanga

Pramod Yadav Son Of Late Kapleshwar Yadav Resident Of Village -
Madhopur, Ps- Bahera, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 602 of 2022, registered on 23.11.2022, for the alleged offence under Sections 341, 323, 379, 354, 307, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other co-accused persons surrounded the informant and started abusing her. They assaulted her with leg, fists and slaps. The petitioner gave *tangari* blow on her head, causing cut and bleeding injury. The petitioner also snatched a gold locket from the informant. When the family member of the informant tried to save her, they were also assaulted by the petitioner and other co-accused persons.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been roped in this case merely due to previous land dispute, grudge and enmity. The instant case is the counterblast of Bahera P.S. Case No. 601 of 2022 instituted under Sections 341, 323, 307, 354(A), 379, 325, 504/34 of the Indian Penal Code, which was lodged by the sister-in-law of the petitioner against the informant side. Falsity of allegation is apparent from the injury report, as no injury of *tangari* blow has been found on the head of the informant and only a lacerated wound was found and it is said to be simple in nature and other injury is merely abrasion on left shoulder. All the other co-accused persons have been granted anticipatory bail by the learned court below.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties and further considering the possibility of false accusation, 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, Darbhanga/concerned court in connection with Bahera P.S. Case No. 602 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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