

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48107 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- SONO District- Jamui

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1. BAHADUR YADAV SON OF LATE GUJAR YADAV RESIDENT OF VILLAGE- TELIYADAR, POLICE STATION- SONO, DISTRICT- JAMUI
 2. NITISH KUMAR SON OF BAHADUR YADAV RESIDENT OF VIL-LAGE- TELIYADAR, POLICE STATION- SONO, DISTRICT- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Akhauri Kamal Kishore Sahay
For the State	:	Mr. Vinod Shanker Modi, A.P.P.
For the Informant	:	Mr. Ranjan Kumar Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2023 Heard Mr. Rajendra Narain, learned senior counsel for the petitioners, Mr. Vinod Shankar Modi, learned Additional Public Prosecutor appearing for the State and Mr. Ranjan Kumar Jha, learned counsel for the informant.

2. Petitioners apprehend their arrest in connection with Sono P.S. Case No. 105 of 2023 registered for the offence punishable under Sections 341, 323, 324, 307, 354-A, 379, 504 and 506/34 of the Indian Penal Code.

3. As per the First Information Report, on 30.03.2023 at about 6:30 AM, when the goat of the informant had entered into the field of the accused persons, co-accused Vikash Yadav including the petitioner and others arrived at the house of the informant and abused her. It has further been alleged that co-



accused Vikash Yadav assaulted the husband of the informant on his head by means of sword and when the mother-in-law of the informant intervened, the petitioner No. 1, Bahadur Yadav assaulted her by means of iron rod, due to which, she sustained injury on her left hand.

4. Learned senior counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of concocted story inasmuch as there is two days delay in lodging the FIR. He further submits that from perusal of the First Information report it appears that dimensions of the injury has also been mentioned in the First Information Report which goes to show that the informant has sustained injury somewhere, got the injury report prepared and lodged the present First Information Report after two days of the occurrence. He next submits that a counter case is also there lodged by the side of the petitioner which is prior in time to the First Information Report lodged by the informant. The side of the petitioners have also sustained injury. The petitioner No. 2 is son of petitioner No. 1 and there is no specific allegation against him.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the injury caused to mother-in-law of the informant is grievous in nature. A



copy of the injury report has been produced at the time of argument of the present bail application.

6. I have heard learned counsel for the parties and have gone through the FIR as well as injury report produced by the learned counsel for the informant. From perusal of the injury report, it appears that the same was prepared prior to the lodging of the First Information Report on 30.3.2023. There is two days delay in lodging the First Information Report which goes to show that the injury report was prepared first and, thereafter, FIR has been lodged. The injury report is not based upon the First Information Report but the FIR is based upon the injury report.

7. Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that there is delay of two days in lodging the FIR, the injury caused to the mother-in-law of the informant is not on the vital part of the body and there is no specific allegation against petitioner No. 1, I am inclined to grant anticipatory bail to the petitioners.

8. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners,



above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Pranav Kumar, learned Judicial Magistrate, 1st Class, Jamui, in connection with Sono P.S. Case No. 105 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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