

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49137 of 2023

Arising Out of PS. Case No.-221 Year-2019 Thana- PALIGANJ District- Patna

1. Kamlesh Yadav Son of Hardayal Yadav Resident of village - Pipradaha Bangla, P.S. - Paliganj, Distt. - Patna
2. Ranjan Yadav Son of Kamlesh Yadav Resident of village - Pipradaha Bangla, P.S. - Paliganj, Distt. - Patna
3. Niranjana Yadav Son of Kamlesh Yadav Resident of village - Pipradaha Bangla, P.S. - Paliganj, Distt. - Patna
4. Rinku Yadav Son of Nathun Yadav Resident of village - Pipradaha Bangla, P.S. - Paliganj, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar Singh No. 1, APP
For the Informant	:	Dr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-09-2023 Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel appearing on behalf of the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Paliganj P.S. Case No. 221 of 2019, registered on 29.06.2019 for the offences under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners came to the house of the informant hurling abuses and assaulted the father of



the informant with iron rod causing injury on his head. They also assaulted the informant and one Sanjay Kumar causing injury on his head. The occurrence took place in the background of dispute over construction of road on the private land of the informant which was as being opposed by the father of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The informant and his family members are objecting to the construction of the road in the village and when the road was constructed, they uprooted the PCC road with the help of bulldozer for which Paliganj P.S. Case No. 225 of 2019 was registered under Sections 147, 341, 323 and 427 of the Indian Penal Code against the informant side since they assaulted the petitioners who opposed their act. The allegations are general and omnibus against the petitioners and no offence under Section 307 of the IPC is made out in the facts and circumstances of the case. Even the investigating officer after investigation did not find the case true under Section 307 of the IPC but the learned Magistrate took cognizance for the offence under Section 307 of the IPC as well. Learned counsel further submits that the injuries on the victim show one lacerated



wound on the forehead of the informant on right parietal area measuring 3"x1/4"x muscle and bodyache. Another injured, i.e., the informant has abrasion on the right thumb measuring 1/2"x1/2" and pain and swelling on right elbow. These injuries are quite simple. Learned counsel further submits that so far injury report of 3rd injured is concerned, the same was not produced earlier and it was probably procured after the investigation and the rejection order shows that the injured Sanjay Kumar sustained lacerated wound upon the mid-front of parietal scalp and contusion in the left temporal region. The petitioners have got no criminal antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail. Learned counsel for the informant submits that there is specific allegation against the petitioners that they were armed with iron rod and other weapon and injury reports confirmed the assault by the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the injury reports showing simple injuries on the victim except one and also considering the land dispute



between the parties and possibility of false implication, let the petitioners above named in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Danapur/concerned court in connection with Paliganj P.S. Case No. 221 of 2019, subject to the condition as 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 petitioners.
- (ii) The petitioners 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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