

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53233 of 2023

Arising Out of PS. Case No.-330 Year-2023 Thana- BRAHMPUR District- Buxar

Dinesh Kumar Yadav, Son of Late Mahangu Yadav Resident of village -
Barkadhakaich Lewar, P.s. - Krishna Brahm (Brahmpur), Distt. - Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 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 Brahmpur (Krishna Brahm) P.S. Case No. 330 of 2023, registered on 08.06.2023, for the alleged offence under Sections 341, 323, 353, 448, 504 of the Indian Penal Code.

03. As per prosecution case, when the informant went to serve a notice on the Ward Councillor, namely, Sundari Devi, her husband, petitioner herein, assaulted the informant with fists and *lathi*. He also threw brick over the informant and threatened him with country made *katta*.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. It is apparent from the F.I.R. that the informant has not sustained any injury. No occurrence as alleged has ever happened and the story of the informant is not believable that he went to serve notice as the same does not come under his duty. From the F.I.R., it is also clear that the wife of the petitioner is a Ward Councillor and the informant in collusion with the local *Mukhiya* went to take signature of the wife of the petitioner over a concocted proceeding of the meeting of working committee of Gram Panchayat and on her refusal, the wife of the petitioner was threatened. When the petitioner protested, he was assaulted by the informant and others, for which, the petitioner has lodged a complaint case bearing Complaint Case No. 617 of 2023 against the informant and others before the court of learned Chief Judicial Magistrate, Buxar.

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 non-serious nature of allegation against the petitioner and probability 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 Chief Judicial Magistrate, Buxar/concerned court in connection with Brahampur (Krishna Braham) P.S. Case No. 330 of 2023, 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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