

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51286 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- SIKANDRA District- Jamui

Sanjay Yadav Son Of Saryug Yadav Resident Of Village- Jakhada, Po-
Kaiyar, Ps- Sikandra, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-11-2023 Heard Mr. Pankaj Kumar Sinha, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sikandra P.S. Case No. 107 of 2022, registered for the
offences punishable under Sections 341, 323, 307, 379, 504 &
506/34 of the Indian Penal Code.

3. Allegedly while the informant was sitting at her
door, in the meantime, the petitioner along with co-accused
Kaleshwar Yadav and Rita Devi came there and started abusing.
It is further alleged that on the exhortation made by co-accused
Kaleshwar Yadav, the petitioner assaulted the informant by
means of iron rod over her head, due to which she sustained



serious injury. Further allegation of assault and snatching of valuables has also been made against all.

4. Learned counsel appearing on behalf of the petitioner submits that there is a dispute between the parties, which resulted into case and counter case and the present case is nothing but an outburst of earlier case instituted by the co-accused Kaleshwar Yadav being Sikandra P.S. Case No. 106 of 2022. He further submits that from the F.I.R., it is evident that occurrence took place on 03.05.2022, but the F.I.R. has been instituted on 06.05.2022 after a delay of two days and no explanation has been given. He next submits that in fact both the parties are agnates and the genesis of the occurrence is a land dispute and moreover, the petitioner is a man of fair antecedent. He next submits that though the allegation has been levelled against the petitioner of assault over the head of the informant, but there is no injury report available on record.

5. On the other hand, learned counsel for the State opposes the bail application and submits that specific allegation has been levelled against the petitioner.

6. Having heard the submissions made on behalf of the parties and considering the fact that there is a case and counter case, and there is no injury report available in the case



diary, coupled with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jamui in connection with Sikandra P.S. Case No. 107 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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