

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58165 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- MURLIGANJ District- Madhepura

Arvind Yadav Son Of Ram Krishna Yadav Resident Of Village- Kolhaipatti,
Ward No. 2, Ps- Murliganj, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.06.2023 in connection with Murliganj P.S. Case No. 208 of
2023, F.I.R. dated 04.06.2023 for the offences punishable under
Sections 341, 323, 324, 325, 379,354(A), 307, 447, 504, 506/34
of the I.P.C.

3. According to prosecution case, when the informant
was plucking 'Moong' in her field, in the meantime the land
belongs to her was illegally claimed by the accused persons.
When she raised protest then the accused persons started
abusing and one Arvind Yadav with intention to kill her, gave a
farsa blow upon her head. When her son Chandan Kumar
arrived there to rescue her, then Niraj Kumar also assaulted
upon head of her son by means of butt of pistol. In the



meantime, one Nirdosh Kumar gave iron blow upon her son, resulting his son got fractured in his right hand and Pramod Kumar insulted her. Further all the accused persons brutally assaulted the informant and her son. One Pankaj Yadav took away gold chain from his neck and Pankaj Yadav took away Rs.1500/- from the pocket of her son. On hulla, vicinity assembled there and they intervened and rescued her then they after threatening fled away. Informant and her son got treated at Murliganj Hospital, but due to seriousness she was referred to some other hospital. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that due to land dispute the occurrence took place and there is case and counter case between the parties and as per the allegation alleged in the FIR the petitioner assaulted the informant by means of '*farsa*'. Although, the informant received the injuries but the injury report of the informant suggests that injury is caused by hard and blunt substance and injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.06.2023.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner stating that there is direct allegation against the petitioner that he assaulted the informant and the informant received the injuries and the petitioner carries two criminal antecedents other than the present one, but fairly submits that in both the cases petitioner is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned AC.J.M., Ist, Madhepura, in connection with Murliganj P.S. Case No. 208 of 2023 , subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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