

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.58780 of 2023**

Arising Out of PS. Case No.-40 Year-2023 Thana- FATEHPUR District- Gaya

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Rajnath Yadav Son Of Shivdhari Yadav Resident Of Village-Khadarpura, P.S.-  
Fatehpur, District-Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**  
For the Petitioner/s : Mr. Deep Nishi, Advocate  
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      20-09-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Fatehpur P.S. Case No. 40 of 2023 dated 15.01.2023, instituted  
for the offence punishable under Sections 341, 323, 325, 308,  
504, 506, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on  
12.01.2023, the accused persons namely, Umesh Paswan,  
Ranjan Kumar and Rajnath Yadav (Petitioner) were uprooting  
the tress for making way in Raiyati land of the informant from  
the JCB. When the informant's father raised objection, the  
accused persons assaulted him and threw him through JCB due  
to which he sustained serious injuries.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is the owner of the JCB machine. Learned counsel further submits that petitioner has no concerned with the said occurrence and as per the F.I.R., the main allegation is against Umesh Paswan, who has been granted bail by a Co-ordinate Bench of this Court *vide order dated 14.07.2023 passed in **Criminal Miscellaneous No. 30885 of 2023***. It is further submitted that there is a case and counter case. Counter case has been filed by wife of Umesh Paswan against the informant side. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Fatehpur P.S. Case No. 40 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-Xth Gaya, subject to



condition as laid down under Section 438(2) of the Cr.P.C.

**(Khatim Reza, J)**

Sankalp/-

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