

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58773 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- PAHARPUR District- East Champaran

Sanjay Kumar Yadav Son Of Dadan Yadav Vill Majhariya, Ps- Malahi, Dist-
East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354, 379, 504, 506, 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against six named accused persons including the present petitioner with allegation that all the accused persons in connivance with each other started abusing the informant and specific allegation against the present petitioner that he has assaulted the informant by *farsa* on his head, due to which the injury took place.

4. Learned counsel for the petitioner submits that the petitioner and the informant are well known to each other and

they are *Gotiya* also residing in the same village. Counsel submits that from the contents of the F.I.R., it is categorical clear that the land dispute was going on between them.

5. Learned counsel for the petitioner further submits that for the same date and place of occurrence, there are case and counter case lodged by them against each other. The Paharpur (Malahi) P.S. Case No. 65 of 2023 has been lodged by the informant's side upon the petitioner's side and Paharpur (Malahi) P.S. Case No. 66 of 2023 has been lodged by the petitioner's side against the informant's side.

6. Learned counsel for the petitioner further submits that the injury has been caused from both the sides. Counsel further submits that there is one criminal antecedent of the petitioner in which he is on bail. Counsel also submits that the same case in which antecedent is figuring has been filed by the informant's side only. Counsel further submits that the long pending civil disputes are going on between the parties.

7. Learned A.P.P. for the State opposes the prayer for bail and submits that from the annexures, it transpires that there is a case and counter case from the same date and place of occurrence.

8. In the present facts and circumstances of the case

and the submissions made above, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks’ from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran, in connection with Paharpur (Malahi) P.S. Case No. 65 of 2023, dated 18.02.2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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