

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62254 of 2023

Arising Out of PS. Case No.-161 Year-2020 Thana- BODHGAYA District- Gaya

1. SITARAM YADAV @ SITARAM KUMAR S/O BHUNESHWAR YADAV
R/O VILLAGE- KOLHAURA, PS. BODH GAYA, DIST. GAYA
2. LADDU YADAV @ BANTY KUMAR S/O BIRENDRA YADAV R/O VIL-
LAGE- SONU BIGHA, PS. BODH GAYA, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate.

For the State : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bodh Gaya P.S. Case No. 161 of 2020 dated 15.5.2020 for the alleged offence under Sections 341, 323, 308, 379, 504 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, co-accused persons caught hold of the informant and the petitioners assaulted him with *lathi* and iron rod on his head causing fracture on his head. Petitioner Laddu Yadav also snatched a gold chain worth Rs.5,000/- from the informant.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No occurrence as alleged has ever taken place. The informant has made accused the persons who are all members of same family. The allegation of assault is by rod and *lathi*, hard and blunt object, but the injury found on the informant is sharp cut wound measuring 1 ½” x ¼” x skin deep. So these injuries attributed to the petitioners are not found on the person of the informant. Moreover, there is only one injury and the said injury is stated to be simple. The allegation of assault has been intentionally made against the petitioners because the informant is having enmity with the co-accused Birendra Yadav. Learned counsel further submits that the petitioner No. 2 has been implicated in two other cases earlier but both the cases have been lodged at the behest of the informant. Petitioner No. 1 has got no criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioners submitting that the specific allegations have been made against the petitioners.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of injuries attributed to the petitioners and further



considering the simple nature of injuries and also the possibility of false implication, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No. 161 of 2020, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with other following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners 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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