

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71490 of 2021

Arising Out of PS. Case No.-236 Year-2021 Thana- JHAJHA District- Jamui

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1. VIKASH YADAV S/o Tukun Yadav R/o village- Bholadih, P.S.- Jhajha, District- Jamui
 2. Pappu Yadav S/o Tukun Yadav R/o village- Bholadih, P.S.- Jhajha, District- Jamui
 3. Tukan Yadav S/o Janki Yadav R/o village- Bholadih, P.S.- Jhajha, District- Jamui
 4. Pramod Yadav S/o Lalo Yadav R/o village- Bholadih, P.S.- Jhajha, District- Jamui
 5. Indradeo Yadav S/o Lalo Yadav R/o village- Bholadih, P.S.- Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 25-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 307, 379, 504 and 427 of the Indian Penal Code read with Section 26 of the Cattle-Trespass Act.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of one case and the informant alleges that on account of dispute relating to grazing of his



moong crop by the cattle of Lalu Yadav, the accused persons came and Pramod assaulted him by *sabal* causing injury on head, Indradeo assaulted by an iron *sabal* from the sharp side causing injury on chest, thereafter Vikash assaulted Sanjay by *tangi*, Indradeo and Tukan assaulted Sanjay by *kudal* and *khanti* causing injury on head, further Pappu, Manish and Tukan assaulted Pradeep by *khanti*, iron *sabal* and iron rod causing injury on head, thereafter Sanindra, Manish and Pappu assaulted Tejo by an iron *sabal*, rod and *kudal* causing injury on head, it is next alleged that Vikash and Pappu assaulted Mukesh by *tangi* and iron *sabal* causing injury on head, thereafter Lali, Pramod and Vikash assaulted Govind by rod, *sabal* and *tangi* causing injury on head and Pramod further assaulted on his leg by sharp side of the *sabal* and Lali assaulted by an iron rod causing fracture of his hand and Vikash snatched chain from Sanjay.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that though it is alleged that Pramod assaulted the informant by *sabal* causing injury on head and Indradeo assaulted by an iron *sabal* from sharp side causing injury on chest but then the informant has not suffered any injury nor there is any injury report of the informant on record which goes



to suggest that the informant in order to falsely implicate the accused persons instituted the present FIR, it is further submitted that it is not in dispute that there was an altercation and both sides assaulted each other but then it is difficult to presume in the nature of allegation that the informant with such precision could have alleged that who assaulted whom and by what which further casts aspersion on the case of the prosecution. It is also submitted that even presuming what has been alleged is true without admitting then the allegation of assault is not specific and both sides have suffered injuries, it is further submitted that no doubt one of the injuries of Govind, Pradeep and Tejo is said to be grievous but then that is not on the vital part of the body and even from the allegation it cannot be culled out specifically that by assault of which accused, the injury was caused.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jhajha P.S. Case No. 236 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the injury of the informant and in the event, if it is found that the informant had suffered any injury then in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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