

IIN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64744 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- MAHKAR District- Gaya

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1. Ajay Yadav @ Ajay Kumar Son Of Dev Sharan Yadav Resident Of Village - Koyatan, Police Station - Mahkar, District - Gaya
 2. Vijay Yadav Son Of Dev Sharan Yadav Resident Of Village - Koyatan, Police Station - Mahkar, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Syed Asgher Najmi, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Mahkar (Sarbahda O.P.) P.S. Case No. 24 of 2023, registered for the offences punishable under Sections 147/148/149/341/323/324/307/379/354/506/504 of the Indian Penal Code.

3. As per the allegation, a dispute arose when the cattle of the petitioners were grazing the crops of the informant, in the meantime, the cousin sister of the informant went to the house of the petitioners to make a complaint about the accused



persons, including the petitioners, they assaulted her by means of *garasa* due to which she sustained head injury. Thereafter, when the parents of the victim came to her rescue they were also assaulted by means of sword etc. causing head injury. It is also alleged that the petitioners also tried to outrage the modesty of the cousin of the informant.

4. It is submitted on behalf of the petitioners that the persons of both the sides are neighbours and on account of a trifle, a free-fight has taken place between both the sides resulting into minor injuries to the persons of both the sides. However, so far injury sustained to the cousin of the informant is concerned, the same is found to be simple in nature. Further, there is nothing on record to show that the other persons have also sustained any injury in the present crime. He next submits that there is counter version of the present case being Mahkar (Sarbahda O.P.) P.S. Case No. 25 of 2023 registered by the father of the petitioners against the informant and his cousin. Furthermore, the occurrence took place on 22.01.2023 but the FIR has been instituted after a delay of 2 days i.e., 24.01.2023 and no explanation of such delay has been assigned. That apart, the petitioner no. 1 bears one criminal antecedent in relation to an offence of the year 2010 whereas petitioner no. 2 has no



criminal antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the specific allegation of assault and outraging the modesty of a woman has been levelled against the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the crime in question and the delay in lodging of the FIR, coupled with the nature of injury, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Gaya in connection with Mahkar (Sabahda O.P.) P.S. Case No. 24 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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