

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70038 of 2023

Arising Out of PS. Case No.-329 Year-2023 Thana- KOTWALI District- Munger

Dewraj Yadav @ Toni S/O Ramdas Yadav @ Ramdev Yadav R/O Mohalla-
Laldarwaza, Gita Babu Road, P.S- Kotwali, Distt.- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kotwali P.S. Case No. 329/2023 registered for the offences punishable under Sections 341, 323, 325, 307, 427, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and others are alleged to have assaulted the informant's husband by means of iron rod as a result of which his right leg got fractured and sign of deep injuries were found on all parts of his body.

4. Learned counsel for the petitioner submits that allegation of assaulting informant's husband is against petitioner and others but there is only one injury which is on the right leg of the informant's husband. He further submits that and there is



no specific allegation of assault against the petitioner rather the allegation is general and omnibus in nature. He further submits that the allegation of FIR is totally falsified by injury report as the allegation of assault is upon three persons including the petitioner and there is only one injury on the injured. In this context, petitioner is falsely implicated in the present case. In the light of the aforesaid facts and circumstances of the case, no offence is made out under Section 307 of the IPC. He further submits that there is a delay of six days in lodging the FIR and same has not been explained by prosecution side. Petitioner is a Government employee and he is posted at Zoological Survey of India in Patna and as such, there is reason to falsely implicate the petitioner in the present case. Petitioner is quite innocent and he bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Munger in connection with Kotwali P.S. Case No. 329/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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