

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69488 of 2022

Arising Out of PS. Case No.-254 Year-2022 Thana- KURTHA District- Jehanabad

1. Madhusundan Yadav
2. Ripusudan Yadav
Both S/o Nanhak Yadav, R/O Village- Nadauna, P.S- Kurtha, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Kumar Uday Pratap, Advocate Mr. Hastina Pratap, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP
For the Informant	:	Mr. Dino Kuamr, Advocate Mr. Vardaan Mangalam, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 27-02-2023 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

Petitioners seek regular bail in connection with Kurtha P.S. Case No. 254 of 2022 registered for the offences punishable under Sections 323, 341, 324, 307 & 504/34 of the Indian Penal Code.

As per the prosecution, the informant and his family members were assaulted by petitioner no. 1 by means of *danda* at the head of the informant and by petitioner no.2 by means of *khanti* at the informant over a land dispute.

The main submissions advanced by the learned



counsel for the petitioners are that both the petitioners have been languishing in jail since 20.08.2022, in between both the parties a land dispute is running and the alleged offence under section 307 of IPC is not made out in this case as the injured persons sustained simple injuries as per their medical reports and on the alleged date and time of occurrence a simple marpit took place in between both the parties.

Learned counsel for the informant has vehemently opposed the bail prayer and submitted that before the court below petitioner no. 1 concealed his criminal antecedent while pressing his bail prayer and there is serious allegation against the petitioners.

As per allegation, petitioner no.2 (Ripusudan Yadav) inflicted repeated khanti blow at the head of the informant which gets corroboration from the injury report of the informant.

Considering the seriousness of the allegation appearing against the **petitioner no. 2 (Ripusudan Yadav)**, this court is not inclined to enlarge him on bail in the present matter. Accordingly, his bail prayer **stands rejected**.

Petitioner no. 2 (Ripusudan Yadav), may renew his bail prayer after framing of charge.



So far as the prayer of petitioner no.1 (Madhusundan Yadav) is concerned, he allegedly inflicted a danda blow at the head of the informant who sustained simple injury as per his injury report, so in view of this nature of allegation, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the **petitioner no.1 (Madhusundan Yadav) be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each** to the satisfaction of the concerned Court in connection with Kurtha P.S. Case No. 254 of 2022.

(Shailendra Singh, J)

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