

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71433 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- CHANDAUTI District- Gaya

Manoj Kumar Yadav @ Manoj Kumar Son Of Late Ramwaran Yadav
Resident Of Village- Dhurve, Ps- Chandaوتي, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Chandaوتي P.S. Case No. 311/2023 registered for the offences punishable under Sections 341, 323, 324, 504, 307, 337, 379/34 of the Indian Penal Code and 3,4 and 5 of the Witchcraft Act, 1999.

3. As per prosecution case, the petitioner is said to have assaulted Ranjeet Yadav by means of lathi upon his head as a result of which he sustained head injury. It is further alleged that the petitioner and others also assaulted informant's son, Fantush Yadav and Ravindra Kumar with bricks and stones on account of which they also sustained injuries.

4. Learned counsel for the petitioner submits that



the specific allegation of assaulting Ranjeet Yadav is against the petitioner which is simple in nature. He further submits that the other allegation of assaulting the informant's son against the petitioner is general and omnibus in nature which is not directly attributed to him. It is further submitted that the injury caused to Kesari Devi is not attributed by the act of the petitioner. The petitioner and informant belongs to the same village and they are next door neighbors. There is a land dispute between the parties and in the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bonafide land dispute. All sections are bailable except 379, 307 of the IPC. Section 307 has been added to amplify the gravity of the offence and Sections 3, 4 and 5, Witchcraft Act, 1999 has not been attracted against the petitioner. He further submits that there is delay of two days in lodging the FIR without any plausible explanation which indicates that the entire allegation against the petitioner is false and concocted. Petitioner has no criminal antecedent. In the light of the facts and circumstances of the case no offence is made out against the petitioner.

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 C.J.M, Gaya in connection with Chandauti P.S. Case No. 311/2023, 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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