

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70507 of 2023

Arising Out of PS. Case No.-437 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Sanjay Yadav @ Sanjay Kumar Yadav, aged about 43 years, (Male), son of Ekbal Yadav @ Ram Ekbal Yadav,
 2. Pappu Yadav, aged about 27 years (Male), son of late Hari Chaudhary,
 3. Mantosh Yadav @ Mantosh Kumar Yadav, aged about 35 years, (Male), son of Ekbal Yadav @ Ram Ekbal Yadav,
All resident of village- Semara, PS and Dist- Gopalganj,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Gopalganj PS Case No.437 of 2023 dated 11.06.2023, instituted under Sections 341, 323, 307, 427, 504, 379/34 of the Indian Penal Code.

3. It is alleged in the FIR that 300 trolley soil was stolen from his field due to which his land became pond. When the informant went to ask about the same from the petitioner no.1, Sanjay Yadav, he abused the informant and when the informant protested he was assaulted with rod. Thereafter,



brothers of Sanjay Yadav, namely, Pappu Yadav (petitioner no.2) and Mantosh Yadav (petitioner no.3) having *lathi* and *danda* in their hand came there and caught hold the informant. Then, petitioner no.1 Sanjay Yadav assaulted with him with rod on his head due to which he fell down on the ground. It is alleged that Pappu Yadav snatched gold chain worth Rs.45,000/- and accused Mantosh Yadav took out Rs.5,000/- from the pocket of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that the allegation of assault by means of iron rod on the head of the informant, as per the FIR, is against Sanjay Yadav (petitioner no.1), but the injury report (Annexure-3 series) shows that the doctor has opined that the injury is assumed to be simple in nature caused by hard and blunt object. Earlier, opinion with regard to nature of injury was reserved as the x-ray report was not submitted. In the injury report the doctor has mentioned that till 01.07.2023, no x-ray report has been produced by the patient or his relatives and, therefore, clinically the injury is assumed to be simple in nature caused by hard and blunt substance. It is further submitted that civil dispute is going on between the parties and the parties are



close agnates. It is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail 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 Chief Judicial Magistrate, Gopalganj, in Gopalganj PS Case No.437 of 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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