

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69731 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Deepak Kumar Raj, Son of Bindeshwar Yadav, R/o village - Bholirahi, P.S. - Ghogharidiha, distt. - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Ghoghardiha P.S. Case No. 100 of 2023, registered for the alleged offences under Sections 341, 323, 324, 448, 354(B), 379, 307, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons came to the house of the informant and they were variously armed. They asked the informant to compromise Ghoghardiha P.S. Case No.134 of 2021. The petitioner and other co-accused persons started dragging her and when the son of the informant tried to save her, the petitioner gave a *farsa* blow on the head of the son of the informant causing injury to him. Thereafter, the informed shielded the body of her son and she



was assaulted by the petitioner and other co-accused persons who took away some gold ornaments and tore the clothes of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Earlier the brother-in-law of the petitioner lodged Ghoghardiha P.S. Case No.95 of 2023 under Section 307 and other allied sections of the Indian Penal Code against the family members of the informant and the present case is counterblast of the said case. In Ghoghardiha P.S. Case No.95 of 2023, the brother-in-law of the petitioner was brutally assaulted by the son and other family members of the informant of this case. The learned counsel further submits that the allegation against the petitioner is that of giving a *farsa* blow on the head of the son of the informant, but no injury report is forthcoming regarding any injury upon the son of the informant. The petitioner has also filed an application under the Right to Information Act seeking injury report of the son of the informant, but till date, no injury report has been supplied to the petitioner. The learned counsel further submits that on the fateful day, the petitioner had gone to meet his brother-in-law, who was being treated by the doctor of Primary Health Centre, Ghoghardiha and when he reached near



the house of the informant, the family members of the informant assaulted him brutally and the petitioner was brought to the Primary Health Centre, Ghoghardiha and seeing his serious condition, he was referred to DMCH, Darbhanga from where he was discharged on 20.06.2023. For that occurrence, the fardbeyan of the petitioner was recorded by the Benta OP at DMCH, Darbhanga and thereafter, Ghoghardiha P.S. Case No. 110 of 2021 was lodged against the informant and her family members. The learned counsel further submits that the present case has been lodged by the informant only as a retaliation against the cases lodged by the brother-in-law and this petitioner, respectively. The petitioner is in custody since 27.06.2023.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner. The learned APP submits that the petitioner is having criminal antecedents and four cases are pending against him.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the case and counter case between the parties and the case of the petitioner's side being prior in time and also considering the absence of injury report of the victim, the petitioner is directed to be



released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani, in connection with Ghoghardiha P.S. Case No. 100 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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