

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70479 of 2022

Arising Out of PS. Case No.-389 Year-2022 Thana- SUGAULI District- East Champaran

1. ANIL YADAV Son of Sadhu Yadav Resident of Village - Panjarwa, P.S.- Sugauli, District - East Champaran
2. Vishnu Yadav @ Vishnu Kumar Yadav Son of Sadhu Yadav Resident of Village - Panjarwa, P.S.- Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP.

Mr. Sangeet Deokuliar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-05-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379/34 of the Indian Penal Code.

Allegedly, all the accused persons named in the FIR including the petitioners after making unlawful assembly came at the door of the informant and started abusing. On instigation of co-accused Sadhu Yadav, petitioner no.2 gave farsa blow on the head of the husband of the informant. Petitioner no.1 is said to have given an iron rod blow on his head, as a result of which he sustained injuries and became unconscious.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. It is further submitted that on the instruction of Local Mukhiya, the petitioner started the construction of the road as care taker of the work. The husband of the informant and his family members started raising demand of Rs. 20,000/- for construction. They also asked the petitioner to stop the alleged construction but with the intervention of local people, the work has been completed in front of the house of the informant. At the time of constructing of the said road, the local Mukhiya came there and thereafter Panchayat was held in presence of Panches as a result of which they compromised the alleged dispute. On account thereof, the case was not registered by the petitioner/local Mukhiya. But later on, after completion of the said work, the husband of the informant, in collusion with the family members, lodged the present case with false allegations to save their skin. He further submits that from the perusal of injury report as well as the FIR, it is evident that the injuries are not supporting the



prosecution version. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State as well as learned counsel for the informant vehemently opposing the bail petition submitted that the allegations levelled against the petitioner no.1 is serious in nature, as he assaulted the informant's husband with an iron rod due to which he sustained grievous injury.

Having regard to the facts and circumstances of the case, as the injury caused by petitioner no.2 has not supported the prosecution case, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Sugauli P.S. Case No. 389 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As there is specific allegation of assaulting the informant's husband by means of iron rod against petitioner no.1 due to which he sustained grievous injury, which is also evident from the impugned order, I am not inclined to enlarge



the petitioner no.1 on bail. The prayer for bail of the petitioner
no.1 is hereby rejected.

Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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