

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8002 of 2024

Arising Out of PS. Case No.-59 Year-2021 Thana- GOVINDGANJ District- East Champaran

1. Vijay Yadav S/o Rajdev Yadav R/o Vill - Chatiya Diyar, P.S. - Malahi, Dist. - East Champaran
2. Rangraj Yadav @ Ramraj Yadav S/o Late Nanku Yadav @ Nanhku Yadav R/o Vill - Chatiya Diyar, P.S. - Malahi, Dist. - East Champaran
3. Rajdev Yadav S/o Late Nanku Yadav @ Nanhku Yadav R/o Vill - Chatiya Diyar, P.S. - Malahi, Dist. - East Champaran
4. Raja Yadav S/o Late Nanhku Yadav @ Nanku Yadav R/o Vill - Chatiya Diyar, P.S. - Malahi, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Govindganj (Malahi) P.S. Case No. 59 of 2021, registered on 19.02.2021 for the offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504, 506 of the Indian Penal Code.

3. As per prosecution case, while the informant



was ploughing his land with a tractor, the petitioners and other co-accused persons, who were variously armed, assaulted the informant and his family members causing a number of injuries to them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is counter version of the present case, i.e., Govindganj (Malahi) P.S. Case No. 58 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and Sections 25(1-b)a/26/35/27 of the Arms Act which was lodged by the petitioners' side against the informant of the present case and others and in retaliation thereof, the present case has been lodged. The informant side has booked all the family members of the petitioners in the present case by applying legal mind while attributing specific allegation against each accused persons. There is land dispute between the parties and it appears it is a case of free fight. However, the injuries caused to the victims are all caused by hard and blunt substance and there is no sharp cut injury. Moreover, except one injury on Ritlal Yadav which is stated to be grievous and it is the fracture of lower end of right humerus, the injuries suffered by the victims are all simple in



nature. Petitioner nos. 1 and 2 are having criminal antecedent of one case whereas petitioner nos. 3 and 4 have clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and its counter case and further considering the absence of any serious injury as injuries are all stated to be simple and also considering the absence of life threatening injury, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court in connection with Govindganj (Malahi) P.S. Case No. 59 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present



on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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