

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7881 of 2024

Arising Out of PS. Case No.-4 Year-2014 Thana- ANDHRATHARHI District- Madhubani

1. Jitendra Kumar Yadav @ jitendra Yadav son of Yogendra Yadav @ Jogindra Yadav @ Yogi Yadav Village- Kolhua, PS- Andhrathadhi, Dist- Madhubani
2. Yogendra Yadav @ Jogindra Yadav @ Yogi Yadav son of Banwali Yadav @ Banwari Yadav Village- Kolhua, Ps - Andhrathadhi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 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 Andhrathadhi PS Case No. 04/2014 registered on 10.02.2014 for the offences under Sections 448, 341, 342, 323, 324, 307, 504/34 of the IPC.

3. As per prosecution case, the petitioners and other accused persons tried to take thumb impression of the father of the informant on blank stamp paper and when the same was opposed by the informant, she was assaulted by the petitioner no.1 with a *Dabia* on her head. The occurrence took place in the background of some land dispute.



4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case in the background of dispute over partition of land. Taking advantage of the fact, the informant made the whole family of the petitioners accused in this case. The police investigated the matter and found the case true against the petitioners only under Sections 341, 323, 342, 324, 504/34 of the IPC and did not send the other accused persons for facing trials. However, the learned court concerned took cognizance against the petitioners under Section 307 IPC as well. But there could no application of Section 307 IPC in the present case since only a simple injury on the head of the informant has been found with dimension 2” x Skin deep though the said injury is stated to be caused by sharp weapon. Had there been any intention to cause death, nothing could have prevented the petitioners from doing away with the life of the informant. There was no repetition and intervening circumstances. The petitioners also availed the benefit of Section 41A CrPC. Even cognizance has been taken after eight years of submission of charge-sheet. Learned counsel further submits that petitioners have clean antecedent.

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



6. Having regard to the facts and circumstances and the submissions made on behalf of the parties and considering the simple nature of injury on the victim of petitioner no.1 and further considering the background of land dispute and possibility of false implication, let the petitioners, named above, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Smt. Rinki Kumari, learned Judicial Magistrate 1st Class, Jhanjharpur, Madhubani in connection with Andhrathadhi PS Case No. 04/2014, subject to the condition as laid down under Section 438(2) of the CrPC.

(Arun Kumar Jha, J)

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