

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14620 of 2024

Arising Out of PS. Case No.-414 Year-2023 Thana- PIRPAINTI District- Bhagalpur

1. Tuntun Yadav S/o Late Gopi Yadav R/o vill - Bhudani Tola, Bakharpur, P.S. - Bakharpur O.P. (Pirpainti), Distt. - Bhagalpur
2. Birendra Yadav S/o Late Gopi Yadav R/o vill - Bhudani Tola, Bakharpur, P.S. - Bakharpur O.P. (Pirpainti), Distt. - Bhagalpur
3. Jaykant Yadav S/o of Late Gopi Yadav R/o vill - Bhudani Tola, Bakharpur, P.S. - Bakharpur O.P. (Pirpainti), Distt. - Bhagalpur
4. Srikant Yadav S/o Late Gopi Yadav R/o vill - Bhudani Tola, Bakharpur, P.S. - Bakharpur O.P. (Pirpainti), Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 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 Pirpainty (Bakharpur) P.S. Case No. 414 of 2023, registered on 11.11.2023 for the offences under Sections 147, 148, 323, 341, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant and his son



with Hasua, Bhala and lathi and also took away a gold chain and Rs.10,000/- from the victim. The occurrence took place in the background of some altercation taking place between the informant and his brother petitioner no. 3 Jaykant Yadav.

4. Learned counsel for the petitioners submits that the allegations are false and concocted and in fact the informant assaulted his mother who received some injury and she was hospitalized on 11.11.2023 and was discharged on 14.11.2023 from Jawaharlal Nehru Medical College Hospital, Bhagalpur and she was treated for polytrauma and head injury due to physical assault and complaint case has been filed by the mother of the informant against him for the occurrence of same day, i.e., 11.11.2023. Learned counsel further submits that the allegation against petitioner no. 3 is that he gave Hasua blow on the head of the informant but the injury report of informant shows a lacerated wound of size 2 cm x 1 cm x 0.5 cm though opinion has been reserved. Another injury also received a lacerated wound of size 1 cm x 0.5 cm x 0.5 cm on frontal of head and the injury has been caused by hard blunt object and the nature of injury is simple. The allegation of taking a gold chain and money from the victim is super addition and not believable and the informant are petitioners are all brothers. The petitioners are



having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that there is specific allegation against petitioner nos. 1 and 3.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious nature of injury in the background of family dispute and counter case and further considering the possibility of false implication, 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, Bhagalpur/concerned court in connection with Pirpainty (Bakharpur) P.S. Case No. 414 of 2023, 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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