

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20977 of 2024

Arising Out of PS. Case No.-183 Year-2023 Thana- JAMOBABAZAR District- Siwan

1. Umesh Yadav, S/o Late Ratan Yadav,
2. Harkesh Yadav, S/o Dilip Yadav,
3. Sandeep Yadav @ Sandeep Kumar, S/o Dilip Yadav
All residents of village- Visunpura, P.S.- Jamo Bazar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kant, Advocate
For the State	:	Mr.Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Naresh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Jamo Bazar P.S. Case No. 183 of 2023, registered for the alleged offences under Sections 341, 342, 447, 323, 307, 354, 379, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners, armed with iron rod, sword and knife, came to the doors of the informant and asked them to withdraw Jamo Bazar P.S. Case No.143/2022 lodged by the daughter-in-law of the informant. When the informant's side opposed, they assaulted the informant with fists and slaps and when the son and daughter-in-law of the



informant intervened, the petitioner no.1 gave a knife blow causing injuries on the chin of the son of the informant. Other petitioners put down the daughter-in-law of the informant and disrobed her and also snatched her *mangalsutra*. Thereafter, they further assaulted the son of the informant with iron rod making him unconscious.

4. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case in the background of land dispute between the two families. Due to this land dispute, the informant's side started abusing to the petitioners' side and when they opposed, the informant's side started assaulting the petitioners and other family members, who tried to defend themselves and in the process, both sides received injuries. The learned counsel further submits that occurrence took place on 11.08.2023, but the FIR has been lodged on 14.08.2023, after a delay of three days for which there is no satisfactory explanation. It appears the present case has been filed by the informant to save herself from any legal action and to pressurize the petitioners to settle the land dispute. The learned counsel further submits that from the facts of the case, no offence under Section 307 IPC is made out and after investigation, the allegations under Sections 354 and 379 IPC



were not found true. The petitioner nos. 1 and 2 are having one criminal antecedent whereas the petitioner no.3 has got no criminal history. The learned counsel further submits that the injury report shows simple injury on the son of the informant, though caused by sharp weapon, whereas injury of other victims are headache and right shoulder pain and the injuries are stated to be simple.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioners. The learned counsel for the informant submits that the petitioner no. 1 tried to gave a knife blow on the neck of the son of the informant and he missed the mark and the injury was caused on the mouth of the son of the informant. The learned counsel further submits that due to pressure of the petitioners, injuries have been shown to be simple.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of injuries which are stated to be simple and lack of material to show attempt being made on life of any person, 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 bond



of Rs. 10,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Jamo Bazar P.S. Case No. 183 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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