

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16331 of 2024

Arising Out of PS. Case No.-532 Year-2023 Thana- BHORE District- Gopalganj

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Rajan Yadav @Ranjan Kumar Yadav SON OF VIJAY LAL YADAV @
VIJAY YADAV RESIDENT OF VILLAGE- SHIWRAJPUR, PS- BHORE,
DISTT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bhore P.S. Case No. 532 of 2023 registered under Sections 341, 323, 324, 307, 354(B), 379 and 504/34 of the Indian Penal Code lodged on 29.10.2023 by the informant, Pyarelal Yadav.

3. As per the prosecution story, the informant has alleged that his co-villager/accused came to his house armed variously and started abusing them. Upon protest allegation amongst other against this petitioner is of using ‘*sword*’ causing injury on his back and hand. When the daughter came to save, her modesty was outraged and before leaving some amount was also taken away. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that it is exaggerated only to implicate the accused persons as already a counter case which is earlier to this case was lodged by the petitioner's side by the mother of the petitioner. He further submits that a scuffle took place and exaggerated allegation of use of '*sword*' has been made. It is his further submission that five injuries were found on the body of the informant and two of them were found to be simple in nature but for rest five, opinion reserved. To his knowledge, subsequently even in those two injuries, the same has been found to be simple in nature.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner is ready to pay Rs. 10,000/- towards his contribution to the two lawyers who died on 13.03.2024 in the Civil Court premises in Patna and the demand draft will be given in the name of District Legal Services Authority, Patna who shall in turn delivered two cheques of Rs. 5,000/- to the two victim lawyers died in the transformer incident.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail he has criminal antecedent.



7. Taking into account the submissions put forward by the parties as also that the injuries have been found to be simple in nature as categorically submitted by the petitioner, this Court is inclined to grant him privilege of anticipatory bail.

8. However, if it is found that contrary to the submission made, the injury nos. 1, 3 and 5 are not simple, this order shall cease to become effective.

9. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Bhore P.S. Case No. 532 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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