

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20928 of 2024

Arising Out of PS. Case No.-576 Year-2023 Thana- PAKARIBARAW District- Nawada

1. Musafir Yadav, Son Of Dwarik Yadav, Resident Of Village- Tanpura, Ps- Pakribarawan, Distt- Nawada
2. Balchand Yadav, Son Of Dwarika Yadav, Resident Of Village- Tanpura, Ps- Pakribarawan, Distt- Nawada
3. Sanju Devi, Wife Of Musafir Yadav, Resident Of Village- Tanpura, Ps- Pakribarawan, Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Pakribarawan P.S. Case No. 576 of 2023, registered on 02.12.2023 for the offences under Sections 341, 323, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons entered into the house of the informant and assaulted the informant and his family members with *ladhi, danda*, bricks and stones causing a number of injuries to them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this



case. For an occurrence of 29.11.2023, FIR has been registered on 02.12.2023 which shows afterthought and deliberation. The occurrence took place between the parties over discharge of drainage water from their houses as a result of which the members of the informant's side fell on the drainage and sustained injury. The petitioners and the informant are agnates and the female members of both sides were quarreling with each other and for this reason the petitioners were named in this case. Moreover, there is general and omnibus allegation against the petitioners. No specific overt act has been attributed against the petitioners. The injury reports of the injured persons show only simple injuries except one injury of the wife of the informant which is stated to be grievous but the said injury is on the right hand. From the FIR, it is also clear that no offence under Section 307 of IPC is made out against the petitioners and incorporation of Section 379 is merely ornamental. The petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple and non-serious nature of injuries of the victim and further considering the background of dispute and also considering the clean antecedent of the petitioners coupled with 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 Judicial Magistrate 1st Class, Nawada/concerned court in connection with Pakribarawan P.S. Case No. 576 of 2023, subject to the conditions 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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