

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37573 of 2024**

Arising Out of PS. Case No.-119 Year-2019 Thana- RAMGARHWA District- East  
Champaran

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Jairam Yadav, Son of Mahant Yadav, Resident of Village- Mangalpur Patani,  
P.S.- Ramgarhwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr.Arun Kumar Pandey, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      10-07-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Ramgarhwa P.S. Case No. 119 of 2019, registered for the alleged offences under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons demanded extortion amount of Rs. 1 lac from the informant when he started construction of his house on his land. When the informant refused, they assaulted him and his aunt causing fracture of skull of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The true fact of the case is that the informant was capturing the land of the petitioner and when protest was made, the informant's side assaulted the family members of the petitioner. However, the petitioner did not lodge any complaint as the dispute was resolved on intervention of local people. The informant's side, after 16 days of the occurrence, lodged this FIR without any cogent reason for the delay in lodging the same. The informant meanwhile prepared false medical certificate. If the informant was seriously injured, but no such document from the hospital where he was treated has come up on record prior to lodging of the FIR. The police investigated the matter but did not send up the petitioner and two other co-accused persons to face trial. However, the learned Judicial Magistrate took cognizance against the petitioner differing with the police report. The learned counsel further submits that no offence under Section 307 IPC is made out against the petitioner as there is no repetition of blow and no life threatening injury. The petitioner is aged about 75 years and is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the background of land dispute and possibility of false implication and further considering the age of the petitioner along with his clean antecedent, let the petitioner above named in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Ramgarhwa P.S. Case No. 119 of 2019, 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 petitioner.
- (ii) The petitioner 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)**

V.K.Pandey/-

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