

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33603 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- HASANPUR District- Samastipur

1. Hari Shankar Yadav @ Hari Shankar Kumar Yadav son of Girish Yadav Village- Ballahpur Ps- Hasanpur Dist- Samastipur
2. Sushil Yadav son of Lakshmeshwar Yadav Village- Ballahpur Ps- Hasanpur Dist- Samastipur
3. Vidyapati Yadav @ Vidyapati Kumar son of Girish Yadav Village- Ballahpur Ps- Hasanpur Dist- Samastipur
4. Girish Yadav son of Late Shivji Yadav Village- Ballahpur Ps- Hasanpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Informant : Mr. Rananjay Kumar, Advocate

Mr. Kumar Binod Basias, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 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 Hasanpur P.S. Case No. 88 of 2023 registered on 17.05.2023 for the alleged offences under Section 341, 342, 323, 504, 506, 379, 308, 34 of the Indian Penal Code and subsequently added Section 307 in place of Section 308.

3. As per prosecution case, the petitioners entered into the house of the informant and abused and assaulted her



and snatched her gold chain. When the relatives of the informant intervened, the petitioners and co-accused persons assaulted them with rod causing injuries to them. The occurrence took place in the background of drainage of storm water.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The background of the occurrence is evident from the F.I.R. that it took place over the drainage of rain water. However, the present case is a counterblast of Hasanpur P.S. Case No. 89 of 2023 which has been lodged by petitioner no.4 against the informant side with almost similar allegation. The informant of the present case is a quarrelsome lady who used to abuse the petitioners and further used to drain the rain water towards the house of the petitioners. Learned counsel for the petitioners further submits that the injury of the injured persons are simple in nature and there is no applications of Section 308 or 307 of the I.P.C. Learned counsel for the petitioners further submits that the petitioner nos.1 and 4 have antecedent of one police case in which they are on bail whereas petitioner nos. 1 to 4 are also accused in a complaint case arising out of same occurrence as Hasanpur P.S. Case No. 88 of 2023.

5. Learned A.P.P. for the State and learned counsel



for the informant oppose the submission made on behalf of the learned counsel for the petitioners.

6. Learned counsel for the informant submits that the informant side has received a number of injuries which are on the vital part of the body and hence application of Section 307 of the I.P.C. is correct in view of injury caused to the informant side.

7. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the simple nature of injuries and also the background of dispute over drainage water and case and counter case of the parties, 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned A.C.J.M. (IV) Rosera, Samastipur in connection with Hasanpur P.S. Case No. 88 of 2023, subject to the condition 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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