

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38424 of 2024**

Arising Out of PS. Case No.-281 Year-2023 Thana- BASOPATTI District- Madhubani

Bhajan Yadav @Rambhaja Yadav @Rambhajan Yadav Son of Late Kamal  
Yadav Resident of Village Panchratan, P.S. Basopatti, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Bhavesh Sah, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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

3      21-09-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Basopatti P.S. Case No. 281 of 2023 registered on 19.12.2023, for the alleged offence under Sections 323, 341, 307, 379, 354(B), 427, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the informant was assaulted by the petitioner with an iron rod, causing injuries on his head. Other co-accused persons also assaulted the informant and his family members.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that for an occurrence of dated



05.12.2023, FIR has been lodged on 19.12.2023 and there is no satisfactory explanation for the delay. The petitioner and the informant are agnates. Learned counsel further submits that though the injury report shows grievous injury but the injury is not serious and is not on vital part and there is no allegation of repetition of blow. For this reason, there is no application of Section 307 of the IPC in the present case. The allegation of commission of offence under Sections 379 and 354(B) of IPC are superaddition. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is specific allegation against the petitioner for causing injury by means of iron rod. Learned APP further submits that *fardbeyan* was recorded on 06.12.2023 though the FIR has been lodged on 19.12.2023.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is no life threatening injury and further considering the possibility of false accusation, 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1<sup>st</sup> Class, Madhubani in connection



with Basopatti P.S. Case No. 281 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 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)

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