

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40771 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- PASRAHA District- Khagaria

1.

Gulab Yadav, Son of Late Jamun Yadav, Resident Of Village - Bandhera,
P.S. - Pasraha, District - Khagaria
2.

Saurabh Kumar @ Saurav Kumar @ Saurabh Yadav, Son of Gulab Yadav,
Resident Of Village - Bandhera, P.S. - Pasraha, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Singh, Advocate
For the State	:	Mr. Raj Kishor Singh, APP
For the Informant	:	MR. Rahul Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Pasraha P.S. Case No. 28 of 2024, registered for the alleged offences under Sections 341, 323, 307, 379, 447, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and other co-accused persons, who were armed with country made *katta*, iron rod, spear and *lathi*, assaulted the family members of the informant causing injuries to them. They also snatched gold ear



ring.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The FIR has been lodged after much delay. For an occurrence of 08.02.2024, FIR has been lodged on 12.02.2024 without satisfactory explanation. Earlier the petitioner's side has lodged Pasraha P.S. Case No. 22 of 2024 against the informant side for the same occurrence. It is a free fight between two groups and a number of persons have been received superficial injuries from both side. Petitioner no.1 and the informant are own brothers and there is land dispute between the parties. Allegations of assault for causing injuries to Puja Kumari is against two persons including petitioner no.2 and opinion on her injuries has been reserved. Though allegation against the petitioners is that of assaulting Suman Kumar but his injuries are completely superficial and non-serious. From the facts of the case, no offence under Section 307 IPC and Section 27 of the Arms act is made out against the petitioners. Petitioners are having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioners. Learned counsel for the informant submits



that opinion has been reserved for the injuries of Puja Kumari and Suman Kumar. Learned counsel further submits that in the same injury report injuries have been stated to be grievous caused by hard and blunt substance and opinion has been reserved for some misplaced fracture noted in the right frontal bone with soft tissue injury.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of relationship of the parties and background of land dispute and earlier case of the petitioners and further considering the clean antecedent of the petitioners coupled with possibility of false accusation, 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Khagaria/ court concerned, in connection with Pasraha P.S. Case No. 28 of 2024, 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 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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