

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40235 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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1. Nandu Yadav @ Nandurai S/O-Late Raja Rai R/O-Village-Narayanpur, P.S.-
Dumariyaghat, District-East Champaran
 2. Vinay Yadav @ Vinay Kumar Son Of Late Jagarnath Yadav R/O- Village -
Narayanpur, P.S.- Dumariyaghat, District-East Champarn

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and learned
counsel for the State.

2. In the present case, the petitioners are apprehending
their arrest in connection with Dumariyaghat P.S. Case No. 151
of 2023 registered for the alleged offences under Sections 341,
323, 324, 307, 379, 354, 447, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other
co-accused persons came to the doors of the informant and
started abusing her. When the act was opposed by other family
members, they assaulted the daughter and daughter-in-law of the
informant and when the informant intervened, she was also
assaulted. The assailants also tried to outrage the modesty of

the daughter-in-law of the informant. When the husband and the son of the informant came for their rescue, the co-accused gave a blow of iron rod on the head of the husband of the informant causing its fracture and petitioner no. 2 Vinay Yadav gave a daab blow on the head of the son of the informant causing a cut injury. They also took away ornaments worth Rs. 2 lacs from the house of the informant.

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 an inordinate delay of three days, which has not been explained. The present case is counterblast of Dumariyaghat P.S. Case No.148 of 2023 filed by the co-accused Suman Yadav against the informant's side in which the co-accused Shambhu Yadav sustained grievous injury. The learned counsel further submits that the informant's side is aggressor and they assaulted the petitioners and other persons from their side who acted in self defence. The learned counsel further submits that injuries of the victim are simple and non serious and one of the injuries of the informant's husband, which is stated to be grievous, but the said injury is attributable to petitioner no. 1 Nandu Yadav but there is no repetition of blow and it is stated to be grievous due to fracture of the bone.

The learned counsel further submits that the petitioners are agnates and there is dispute regarding pathway. Even the injury reports are fabricated as the same has been brought in existence in order to pressurize the petitioners. The petitioners have no criminal history.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Dumariyaghat P.S. Case No. 151 of 2023, 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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