

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44344 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- BAGHA District- West Champaran

Arjun @ Arjun Yadav Son of Late Kolai Yadav Resident of Village -
Chakhani, Teliya Tola, P.S.- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Perna Anand, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 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 Bagaha P.S. Case No. 26 of 2023, registered on 10.01.2023 for the offences under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons making an unlawful assembly and variously armed attacked the informant side and the petitioner gave a *Farsa* blow on the head of the uncle of the informant causing injury to him. In this assault a number of persons from the informant side received injuries.

4. Learned counsel for the petitioner submits that there is case and counter case and for the same occurrence the petitioner has lodged Bagaha P.S. Case No. 27 of 2023 with



similar allegation in which a number of persons from the informant side have received injuries. Learned counsel further submits that only two injuries were found on the person of the uncle of the informant and the injury on the head is lacerated wound of very small size, therefore, the allegation of attacking with *Farsa* gets falsified. Learned counsel further submits that the land dispute is admitted from the F.I.R. and in this background some scuffle took place between two groups in which a number of persons from both sides received injuries and there was no intention to kill any person and hence, there is no application of Section 307 of IPC in the present case. The allegation of theft is merely super addition. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the specific allegation against the petitioner is of assaulting the uncle of the informant with *Farsa* and a number of injuries have been caused to family members of the informant.

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 in the background of land dispute and further considering the absence of injury



alleged against the petitioner and also considering the possibility of false implication, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Bagaha (West Champaran)/concerned court in connection with Bagaha P.S. Case No. 26 of 2023, subject to the condition as 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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