

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45384 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Upendra Yadav Son Of Jagjivan Yadav Resident of Village - Patloiya, Police
Station - Bagwanpur, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-08-2024 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 Bagwanpur P.S. Case No. 108 of 2024, registered on 24.04.2024 for the offences under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons abused and assaulted the informant and her family members in the background of grazing a buffalo by the informant over the land of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and has not committed any offence. The background of dispute has been



mentioned in the FIR that the occurrence took place due to grazing of the field of the petitioner by the buffalo of the informant. The allegation against the petitioner is that of giving a *lathi* blow on the head of the informant. The said injury is stated to be simple which is lacerated wound on frontal area to vertex of head size 6"x1/2"x1/4" apart from abrasion and swelling on left knee and pain of forearm but there is no repetition of blow and the injuries are quite simple and superficial and hence, no offence under Section 307 IPC is made out against the petitioner. There is counter version of the occurrence as Complaint Case No. 330 of 2024 filed by the wife of co-accused Jitendra Yadav. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious nature of injury of the informant and clean antecedent of the petitioner, 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 Chief Judicial Magistrate, Kaimur at Bhabua/concerned court in connection with Bagwanpur P.S. Case No. 108 of 2024, 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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