

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47704 of 2024

Arising Out of PS. Case No.-101 Year-2023 Thana- BHAIKAVSHTHAN District-
Madhubani

Shreechand Yadav @ Rudal Yadav S/O Jaykant Yadav R/O Village- Sarbsima,
P.S- Bhairavasthan, Distt.- Madhubani.

... .. Petitioner/s
Versus
The State Of Bihar

... .. Opposite Party/s

Appearance :		
For the Petitioner/s	:	Mr. Sanjeev Kumar Jha, Advocate
For the State	:	Mr. Rajendra Nath Jha, A.P.P.
For the informant	:	Mr. Ramchandra Jha Raman, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Bhairavasthan P.S. Case No. 101 of 2023, registered for the alleged offences under Section 341, 323, 324, 325, 307, 379, 347, 448, 427, 504 and 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other co-accused persons assaulted the informant and his father and also took the signature of informant on some blank paper. The occurrence took place in the background of land dispute.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

Earlier the petitioner has lodged Bhairavasthan P.S. Case No. 100 of 2023 for an occurrence dated 30.07.2023 in which the family members of the petitioner have received serious injuries. In order to save their skin, the informant side has lodged this false and concocted case. The allegation against the petitioner is that he gave *farsa* blow to the informant but the injury report of the informant does not show any injury caused by any sharp and heavy cutting weapon. The injury of the informant is stated to be caused by hard and blunt object and the dimension of injury is quite simple and superficial as lacerated wound of left pinna is of size 2.5cm x 0.5cm x 0.5cm. The petitioner is having clean antecedent and the petitioner and informant are own brothers and the informant side is aggressor as is clear from the facts of the case.

05. Learned A.P.P. for the State as well as learned counsel for the informant opposes the submission made on behalf of the learned counsel for the petitioner. Learned counsel for the informant submits that grievous injury has been caused to the informant i.e., the fracture of left ulna.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the background of land dispute and case and counter case of the parties and further considering 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M., Jhanjharpur, Madhubani in connection with Bhairavasthan P.S. Case No. 101 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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