

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63442 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- LARJHAGHAT District- Samastipur

Sanjay Yadav Son of Late Berthi Yadav Resident of Narpa, Nirpa, P.S.-
Larjhaghat, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhumay Madhup, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Larjhaghat P.S. Case No. 13 of 2023 dated 17.10.2023, lodged under Sections 147, 149, 341, 342, 323, 324, 307, 504, 506 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against eight named accused persons including the present petitioner. The allegation against the present petitioner is that he has assaulted the informant on his head by using brick due to which he was injured and admitted to the hospital and after treatment, informant was relieved from the hospital on 14.10.2023 and thereafter, on 17.10.2023, he has lodged the present FIR.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that the date of occurrence was actually 02.10.2023 and on the said date at about 09.30 p.m. in the presence of villagers, scuffling took place between the petitioner and the informant of the present case and in result, petitioner sustained injury. Subsequently, the scuffling in the present case took place on 03.10.2023 and FIR has been lodged on 17.10.2023. Counsel further submits that even if as per the version of the FIR, informant was released from the hospital on 14.10.2023 even then, after delay of about 3 days, he filed the FIR, but cause of delay has not been explained.

5. Learned counsel for the petitioner submits that petitioner's side and informant's side are well known to each other. Counsel further submits that for contention of *puja* in the shiv temple, scuffling took place between both the parties. Counsel submits that case and counter case has been filed from both the sides. Counsel further submits that the criminal antecedent of the petitioner is clean.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that in



the FIR, there is direct allegation against the present petitioner that he has assaulted the informant.

8. As such, considering the aforesaid facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Samastipur in connection with Larjhaghat P.S. Case No. 13 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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