

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66944 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- SHIVSAGAR District- Rohtas

1. Khatalu Yadav @ Jai Prakash Yadav Son of Late Bajju Yadav @ Baiju Yadav R/O Village- Godania, P.S.- Shivsagar, District- Rohtas
2. Prakash Yadav @ Om Prakash Yadav Son of Late Bajju Yadav @ Baiju Yadav R/O Village- Godania, P.S.- Shivsagar, District- Rohtas
3. Sunil Yadav Son of Late Bajju Yadav @ Baiju Yadav R/O Village- Godania, P.S.- Shivsagar, District- Rohtas
4. Jhaman Yadav Son of Kedar Yadav R/O Village- Godania, P.S.- Shivsagar, District- Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mrs. Meena Singh, Advocate
		Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Shivsagar P.S. Case No. 115 of 2024, registered for the alleged offence under Sections 307, 341, 323, 325, 379, 504/34 of the Indian Penal Code.

03. As per prosecution case, petitioner-Khatalu Yadav assaulted the informant with and iron rod, causing fracture of the head of the informant. Further allegation against the petitioner nos. 3 and 4 is that they assaulted the informant with *lathi*,



causing fracture of his right hand.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case in the background of counter version sd for the same occurrence, Shivsagar P.S. Case No. 119 of 2024 has been lodged by the wife of petitioner no. 4 against the informant of this case and his family members, who damaged the vehicles of the petitioner no. 4 and caused injury to him and his father. Learned counsel further submits that the injury report of informant shows superficial and non-serious injury on head, which is a lacerated wound of size 7 cm x 0.5 cm x 0.25 cm and pain and defused swelling on left dorsal palm and X-ray shows fracture of 3rd and 4th metacarpal bone. But the said injuries are not on any vital part. Learned counsel further submits that no motive has been given in the written report which creates doubt over the prosecution case. The FIR has been registered after delay of five days for which there is no explanation. The allegation against the petitioners is not believable in the light of the fact that only two injuries have found on the informant whereas there is allegation of assault by five persons. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the superficial nature of injury on the head and further considering the counter version of the petitioners and possibility of false accusation, 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas/concerned court in connection with Shivsagar P.S. Case No. 115 of 2024, 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 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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