

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70961 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

1. Binod Yadav (Male), aged about 42 years, Son of Kummar Yadav, Resident of village - Dathua, Police Station - Ghanshyampur, District – Darbhanga.
2. Sujit Kumar Yadav, (Male), aged about 20 years, Son of Binod Yadav, Resident of village-Dathua, Police Station-Ghanshyampur, District-Darbhangha.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party : Mr. Aditya Narayan Singh. I, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 02-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ghanshyampur P.S. Case No. 124 of 2023 dated 01.06.2023 registered for the offences punishable under Sections 323, 341, 308, 504 and 506/34 of the I.P.C.

3. As per the prosecution case, on 16.05.2023 at about 7.30 A.M., a scuffle took place between the informant and Binod Yadav (petitioner no. 1) due to land dispute. Binod Yadav (petitioner no. 1) wants way to cross his tractor. On protest, Binod Yadav (petitioner no.1), the co-accused Ajeet Kumar Yadav, Sunit Yadav, Kummar Yadav, Lalita Devi and Rama



Devi came with weapons and started abusing him. Binod Yadav (petitioner no. 1) assaulted with Axe (Tengari) on the informant's head causing head injury. The co-accused Sujeet Yadav assaulted with Spade (Kudal) on the informant's neck due to that he sustained injury and fell on the ground. The co-accused Ajeet Yadav assaulted indiscriminately with Lathi on the informant. The co-accused Lalita Devi assaulted with lathi-danda to the informant's wife, namely, Ram Kumari Devi. The co-accused Rama Devi and Sunita Kumari assaulted with lathi-danda to both daughters of the informant due to that they sustained injuries. The reason behind the occurrence is due to the land dispute. The accused perused always used to threaten the informant to kill him and his family members. The informant and his daughter were brought to Ghanshyampur Government Hospital for treatment and from there they were referred to D.M.C.H. for better treatment.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is case and counter case between the parties. It is further submitted that both sides have received superficial injuries. The informant and his daughter Sanju Kumari were treated by the doctor of P.H.C.,



Ghanshyampur on 26.06.2023 and the injuries of both were found to be simple in nature and the doctor has not referred the informant to D.M.C.H. but he himself went to D.M.C.H. for treatment and there he gave his fardbeyan and also procured an injury report which was completely different from the injury report issued by the doctor of P.H.C., Ghanshyampur on 26.06.2023. According to the report of the doctor of P.H.C., Ghanshyampur, dated 26.06.2023, there was only one injury received by the informant as to when the doctor of D.M.C.H. has found one more injury and on that basis another injury report was made by the doctor of P.H.C., Ghanshyampur on 06.08.2023 which shows that injury no. 1 is grievous in nature. It is further submitted that as per the F.I.R., the informant sustained one head injury of Axe (Tengari) and second neck injury of Spade (Kudal) but no injury was found on his neck which falsifies the statement of the informant. Moreover, the injury was caused by hard and blunt substance but it has been shown that the petitioner no. 1 hit by means of Axe (Tengari) which is a sharp cutting weapon. The petitioners have clean antecedents as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Benipur, Darbhanga in connection with Ghanshyampur P.S. Case No. 124 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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