

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64370 of 2022

Arising Out of PS. Case No.-86 Year-2020 Thana- DULHIN BAZAR District- Patna

YODHA YADAV Son of Ramchandra Yadav R/O- Nawada, P.S.- Dulhin Bazar, District - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 15-02-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 324, 323, 325, 307, 354, 379 and 504 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case. It is further submitted that petitioner has been falsely implicated in the present case by the informant on account of dispute relating to land. It is next submitted that the allegation against the petitioner is of assaulting Anita Devi on the head by an iron rod (Khanti) causing injury. It is also submitted that though there is allegation of assaulting Anita Devi on the head by iron rod (Khanti) by this petitioner but then Anita Devi did not suffer any injury which



amply demonstrates that petitioner has been falsely implicated in the present case. It is further submitted that the case diary and final injury report was called by an order dated 24.02.2023 but the same has not been received, thereafter by order dated 24.03.2023 the office was directed to send reminder to the learned court below to send the same but then only supplementary case diary was received but the injury report was not received as such by order 24.08.2023 the office was directed to send a reminder to the learned court below to send up-to-date case diary and the final injury report if any. It is next submitted that the matter was again taken up on 27.09.2023 but up-to-date case diary and the final injury report was not received thereafter again the case was taken up on 16.01.2024 and the office was directed to send an express reminder to the learned court below to send the main case diary along with the final injury report.

4. Today when the case is taken up, the case diary has been received but the injury report is still awaited.

5. The Court cannot wait endlessly for the injury report thus accepts the submissions of the learned counsel for the petitioner that Anita Devi did not suffer any injury on the head.

6. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dulhin Bazar P.S. Case No. 86 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the injury report of Anita Devi and in the event if it is found that Anita Devi received grievous injury on her head in that event, the present order shall not be given effect to.

(Satyavrat Verma, J)

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