

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67180 of 2023**

Arising Out of PS. Case No.-100 Year-2020 Thana- TRIVENIGANJ District- Supaul

UPENDRA KUMAR @UPENDRA YADAV SON OF SARYUG YADAV
RESIDENT OF VILLAGE- DUMARIYA, PS- TRIVENIGANJ, DISTRICT-
SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 23-01-2024 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 341, 323, 308, 354(B),
379, 504, 34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioner
are said to have assaulted the informant brutally with an intention
to kill her and also tried to outrage her modesty.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to ulterior motive. The allegation
levelled against the petitioner is not specific rather general and
omnibus in nature. Both the parties are agnates and there is
admitted land dispute between the parties. Though, there is



allegation against the petitioner that he assaulted the informant by means of iron rod, but no injury was found upon the body of the informant during her medical examination, which is also evident from Annexure 2. There is inordinate and abnormal delay of 20 days in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as no injury was found upon the body of the informant, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Triveniganj P.S. Case No. 100 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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