

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77032 of 2023

Arising Out of PS. Case No.-70 Year-2020 Thana- KHUDAGANJ District- Nalanda

Sham Sharan Yadav @ Ram Sharan Yadav, Son of Late Mukhu Yadav, R/O
Village- Malhabad, P.S.- Khudaganj, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Khudaganj P.S. Case No. 70 of 2020 registered for the alleged offences under Sections 341, 323, 325, 307, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, in a quarrel between the children, the co-accused persons started abusing the informant and the allegation against the petitioner is that he gave ‘*Garasa*’ blow on the head of the grandson of the informant causing its fracture. Other co-accused persons also assaulted the informant and his wife.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner is an old person of 76 years age. In a quarrel between the children, stones were pelted by the both sides and the persons from both sides received injuries. The petitioner has no role, but the informant intentionally made the petitioner as an accused in this case being the head of the family. Moreover, the injury report shows simple injury of simple dimension though it is said to be an incised wound over middle of forehead. But there is no repetition of blow and no intention can be gathered for causing death of any person, hence, there would be no application of Section 307 IPC in the present case. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple and non-serious nature of injuries on the alleged victim of the petitioner and further considering the age of the petitioner and possibility of false accusation, let the petitioner, above named, in the event of his 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/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate,
Hilsa, Nalanda, in connection with Khudaganj P.S. Case No. 70
of 2020, subject to the conditions mentioned in Section 438(2)
of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner 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)

V.K.Pandey/-

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