

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81857 of 2024

Arising Out of PS. Case No.-327 Year-2024 Thana- BARHARIA District- Siwan

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Jitendra Yadav @ Jitendra Yadav Son of Ramchandra Yadav Resident of
Village- Kurwa, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Barharia P.S. Case No. 327 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 303(2), 352, 351(2) and 3(5) of the B.N.S, 2023.

3. Allegedly, while the Panchayati was being held regarding a land dispute, in the meantime, all the FIR named accused persons, including the petitioner came there and started abusing and assaulting the informant and his son. It is specifically alleged that the petitioner assaulted the informant's son by means of *farsa* on his head due to which he sustained serious injury.

4. Learned counsel for the petitioner contended that



only on account of the fact that the petitioner being *Karta* of the family, specific allegation has been levelled against him. Moreover, the injury report does not corroborate the allegation. Drawing the attention of the injury report as contained in Annexure-P/2, it is contended that the injury has been caused by hard and blunt object and found to be simple in nature. It is next contended that there is a counter version of the present case being Barharia P.S. Case No. 326 of 2024 instituted by the family member of the petitioner on earlier point of time. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the allegation of causing assault has been corroborated by the injury report.

6. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injury, coupled with the factum of case and counter case, apart from the fair antecedent of the petitioner, 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 four weeks from today, 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-III, Siwan in connection with Barharia P.S. Case No. 327 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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