

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79648 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- MORKAHI District- Khagaria

Khaltu Yadav @ Khalthu Yadav, Son of Raj Kumar Yadav, Resident of
Village - Sahuri, Police Station - Morkahi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioner and Mr Uday
Chand Prasad, learned APP for the State.

2.The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Morkahi P.S. Case No. 103 of 2023 instituted for the offence under
Sections 341, 447, 323, 308, 504, 506/34 of the Indian Penal Code.

3. The case of the prosecution in short is that the
petitioner along with others started abusing and assaulting the
informant. The allegation against the petitioner is that he was
having a sharp cutting weapon and he assaulted with that weapon
due to which the informant received sharp cut injury in his left ear.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has falsely been implicated in this case due to land



dispute. During the course of argument, it is further submitted by learned counsel of the petitioner that the occurrence is of 03.08.2023 whereas the F.I.R. has been lodged on 06.08.2023 and there is no explanation of delay. From perusal of the injury report which is Annexure-2, it also transpires that the informant has not received any injury on his left ear and has not received any injury of sharp cutting weapon rather he has received injuries by hard and blunt substance and the nature of the injury is simple.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Morkahi P.S. Case No. 103 of 2023, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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