

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79131 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- Banjariya District- East Champaran

1. Pramod Yadav Son of Late Yogendra Rai Vill. -Majhar Ps. -Banjariya Dist.- East Champaran
2. Vinod Yadav son of Late Yogendra Rai Vill. -Majhar Ps. -Banjariya Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-12-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Banjariya PS case no. 117 of 2024, disclosing offences punishable under Section 307 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 09.06.2024 in the evening, while the informant was at his house, petitioner along with other accused persons came there and started abusing his brother Jhunnu Prasad Yadav and when objected, petitioner no. 1 assaulted him by means of farsa on his head and petitioner no. 2 assaulted the



informant's brother by means of iron rod on his body.

4. Learned Counsel for the petitioners submits that specific allegation of assault on the head of brother of the informant is upon petitioner no. 1 by farsa. The allegation against petitioner no. 2 is that he assaulted informant's brother by iron rod on the other parts of the body. Referring to the injury report, learned counsel submits that no injuries have been found on the other parts of the body, however injury found on the head of the victim is grievous in nature, which is attributable to petitioner no. 1. The occurrence has taken place due to the land dispute between the parties and a counter case has also been lodged by the side of the petitioners and others bearing Banjariya PS Case No. 122 of 2024.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is previous land dispute between the parties, case and counter case is there, injury caused to the victim on his head is grievous in nature, which is attributable to petitioner no. 1, hence, I am not inclined to grant the privilege of anticipatory bail to petitioner no. 1, as such, the same is rejected.

6. Insofar as petitioner no. 2 is concerned, no apparent injury has been caused to the victim on the other parts of the



body, which is attributable to petitioner no. 2, hence I am inclined to grant him the privilege of anticipatory bail.

7. This application is, partly, allowed.

8. Let petitioner no. 2, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Banjariya PS Case No. 117 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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