

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85749 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- SANGRAMPUR District- Munger

Shankar Yadav, Son of Lambbu Yadav, Resident of Village - Kuangrhi, P.s.
Sangrampur, District- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Sangrampur P.S. Case No. 88 of 2023, registered on 05.04.2023, for the alleged offence under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, in the background of quarrel between the children, when the informant went to the house of the petitioner, the petitioner assaulted him with *lathi*, causing fracture of his head. The other co-accused persons, making an unlawful assembly, assaulted the brother and father of the informant with *lathi* and *danda*.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner is neighbour of the informant. There is case and counter case between the parties as one of the co-accused, namely, Mithilesh Kumar Yadav has lodged Sangrampur P.S. Case No. 90 of 2023 for the occurrence of same date and time, in which a number persons from the petitioner's side have also received injuries. Learned counsel further submits that, moreover, the injury report seems to be procured since before reaching the health center, the informant was having stitches on his head. Moreover, the injury on the informant has been found to be simple in nature. Learned counsel further submits that there no intention to cause death as there was no repetition of blow as it appears from the recital of the F.I.R. The injury report of another injured person is non-serious and simple in nature. Learned counsel further submits that the offence under non-bailable section, i.e., section 307 of the IPC is not applicable against the petitioner in the facts and circumstances of the case.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is specific allegation against the petitioner that he hit on the head of the informant and corresponding injury has also been found.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



case and counter case between the parties and simple nature of injuries, 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. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Munger in connection with Sangrampur P.S. Case No. 88 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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)

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