

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14143 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- HUSSAINGANJ District- Siwan

Asuram Yadav @ Arsuram Yadav Son Of Late Saral Yadav R/O Village-
Sahuli Tola, P.S.- Hussainganj, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 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 Hussainganj P.S. Case No. 187 of 2023, registered on 01.08.2023 for the offences under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons surrounded the informant and gave repeated knife blows and there is specific allegation against the petitioner and co-accused Lalu Yadav to have assaulted the informant on his head causing serious injury and they took out Rs.2,000/- from the pocket of the informant.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The allegation against the petitioner is completely false and concocted and no dagger injury has been found on the person of the informant. The injury report shows some abrasion and scratch wound caused by hard and blunt substance. Only one injury has been found to be grievous and other injuries are simple in nature but the informant received injury as he was coming by bicycle in drunken condition and lost balance and suffered injury after dashing his head on the road. Learned counsel further submits that the injury report falsify the allegation of assault by knife and it falsifies the whole case of the prosecution. From the facts of the case and the injury report, offence under Section 307 of the Indian Penal Code is not made out and allegation of theft is merely super addition. The petitioner has got criminal antecedent of two cases.

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 non-serious nature of injury coupled with possibility of false implication, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Incharge ACJM, Siwan/concerned court in connection with Hussainganj P.S. Case No. 187 of 2023, subject to the condition as 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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