

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2530 of 2024

Arising Out of PS. Case No.-347 Year-2023 Thana- RAJAON District- Banka

1. Anil Yadav Son Of Late Bindeshwari Yadav Resident Of Village - Kishanpur, P.S. - Rajoun, District - Banka
2. Ajit Yadav Son Of Anil Yadav Resident Of Village - Kishanpur, P.S. - Rajoun, District - Banka
3. Sonu Kumar Son Of Anil Yadav Resident Of Village - Kishanpur, P.S. - Rajoun, District - Banka
4. Mousam Kumari S/O. Anil Yadav Resident Of Village - Kishanpur, P.S. - Rajoun, District - Banka
5. Aarati Devi Wife Of Anil Yadav Resident Of Village - Kishanpur, P.S. - Rajoun, District - Banka
6. Jaikant Yadav Son Of Janardan Yadav Resident Of Village - Khamari, P.S. - Banka, District - Banka
7. Mritunjay Yadav Son Of Janardan Yadav Resident Of Village - Khamari, P.S. - Banka, District - Banka
8. Nand Kishor Yadav Son Of Janardan Yadav Resident Of Village - Khamari, P.S. - Banka, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Vibhakar Kumar, learned counsel for the

petitioners and Mr. Ramchandra Sahni, learned APP for the

State.

2. The petitioners are apprehending their arrest in
connection with Rajoun P.S. Case No. 347 of 2023, F.I.R. dated
16.07.2023 registered for the offences punishable under
Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal



Code.

3. Allegation against the petitioners is of causing hurt to the informant, his uncle Anirudh Yadav and his brother Sumit Yadav by lathi, danda and iron rod due to which they sustained injuries.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that due to admitted land dispute the present occurrence had taken place and both the parties are agnates to each other and there is case and counter case between the parties. He further submits that although the petitioners are co-sharer of the disputed land and as per allegation in the F.I.R. the petitioners have assaulted the informant and their family members but the injury report of the Kumar Rajkishor and Anirudh Yadav are as follows :

“COMMUNITY HEALTH CENER RAJOUN, (BANKA)

To,
*The Officer Incharge
P.S. Rajoun, Banma*

*Examined Kumar Rajkishor, Aged about 28 Y/M, S/O Lt
Gopal Yadav, At- Kishanpur, P.S.- Rajoun (Banka), C.R.
No. 4394, E.R. No. 3607, Dated: 12.07.2023 at CHC
Rajoun at-02:15 P.M. and found following:*

- 1. Lacerated wound occipital bone side 2*1/4 * 1/4 inch.*
- 2. Swelling and pain left side thaigh.*
- 3. All body pain.*



4. redness back side.

Age of Injury- Within 06 hours.

Caused by- Hard Blant and Substance.

Nature of Injury- Patient referred to JLNMCH Bgp for NCCT of Brain & X-ray of right arm and further treatment and management.

MI- A Mole on the left hand forearm.

Encloser- Police Requisition seen and sign by me.

*DR. Nishanta Bharati
M.O. CHC Rajoun, Banka
MOB NO-9386432426
Date- 12.07.2023*

COMMUNITY HEALTH CENER RAJOUN, (BANKA)

*To,
The Officer Incharge
P.S. Rajoun, Banma*

Examined Anirudh Yadav, Aged about 55 Y/M, S/O Bali Yadav, At- Kishanpur, P.S.- Rajoun (Banka), C.R. No. 4395, E.R. No. 3607A, Dated: 12.07.2023 at CHC Rajoun at-02:55 P.M. and found following:

- 1. Abrasion of swelling left hand forearm.*
- 2. Swelling and pain left thaigh.*
- 3. Abrasion of forehead.*
- 4. Body pain.*

Age of Injury- Within 06 hours.

Caused by- Hard Blant and Substance.

Nature of Injury- Patient referred to JLNMCH Bgp for NCCT of Brain & X-ray and further treatment and management.

MI- A Mole on the right side chest.

Encloser- Police Requisition seen and sign by me.

*DR. Nishanta Bharati
M.O. CHC Rajoun, Banka
MOB NO-9386432426
Date- 12.07.2023”*



5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and there is case and counter case between the parties, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 347 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

