

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2648 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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1. Suman Yadav, Son of Nandu Yadav,
 2. Rambabu Parasad Yadav @ Rambabu Yadav, Son of Jagarnath Yadav,
 3. Shambhu Yadav, Son of Late Raja Rai
- All are residents of Village - Narayanpur, P.S. - Dumariyaghat, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
counsel for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Dumariyaghat P.S. Case No. 151 of 2023 registered for the alleged offences under Sections 341, 323, 324, 307, 379, 354, 447, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons came to the doors of the informant and started abusing her. When the act was opposed by other family members, they assaulted the daughter and daughter-in-law of the informant and when the informant intervened, she was also assaulted. The petitioners also tried to outrage the modesty of



the daughter-in-law of the informant. When the husband and the son of the informant came for their rescue, the co-accused gave a blow of iron rod on the head of the husband of the informant causing its fracture and the co-accused Vinay Yadav gave a *daab* blow on the head of the son of the informant causing a cut injury. They also took away ornaments worth Rs. 2 lacs from the house of the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The FIR has been lodged after an inordinate delay of three days, which has not been explained. The present case is counterblast of Dumariyaghat P.S. Case No.148 of 2023 filed by the petitioner no.1 Suman Yadav against the informant's side in which the petitioner no.3 Shambhu Yadav sustained grievous injury. The learned counsel further submits that the informant's side is aggressor and they assaulted the petitioners and other persons from their side. The doctor has found injuries are simple in nature except one of the injuries of the informant's husband, which is stated to be grievous, but the said injury is attributable to co-accused Nandu Yadav. The learned counsel further submits that the petitioners are agnates and there is dispute regarding pathway. Even the injury reports are fabricated as the



same has been brought in existence in order to pressurize the petitioners. From the facts, it is apparent that no offence under Section 307 IPC is made out against the petitioners and the other offences are ornamental. The petitioners have no criminal history.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the absence of any specific allegation for any assault against the petitioners and also considering the possibility of false implication, let the petitioners, above named, in the event of their 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. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Dumariyaghat P.S. Case No. 151 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of



the petitioners.

(ii) The petitioners 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)

V.K.Pandey/-

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