

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2663 of 2024

Arising Out of PS. Case No.-370 Year-2021 Thana- BELAGANJ District- Gaya

1. Bhola Yadav @ Bhola Kumar @ Shiv Shankar Kumar, son of Krishna Yadav,
 2. Rubi Devi, wife of Bhola Yadav @ Bhola Kumar @ Shiv Shankar Kumar,
 3. Arvind Yadav @ Arvind Kumar, son of Late Khublal Yadav
 4. Krishna Yadav, son of Late Khublal Yadav,
- All are residents of village - Belaganj Bazar near Gayatri Mandir, P.S. - Belaganj , District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, 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 Belaganj P.S. Case No. 370 of 2021 registered for the alleged offences under Sections 341, 323, 504, 506 and 308/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners assaulted the informant and his wife causing injuries to them.

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 a delay of four days for



which there is no explanation. The petitioner nos. 3 & 4 are brothers of the informant and the petitioner nos. 1 & 2 are son and daughter-in-law of the another brother of the informant. Some altercation and scuffle took place between the female members of both the sides over playing of children in front of the house and also over drainage of water. The injury report of the informant shows injuries are non-serious and all injuries are caused by hard and blunt substance and the nature of injuries are stated to be simple. Earlier, the petitioners were given the benefit of Section 41(A) of the Code of Criminal Procedure by the police. But charge sheet has been submitted against the petitioners and cognizance has been taken by the learned court below under Section 308 and other allied sections of the IPC. But no offence from the facts of the case is made out under Section 308 IPC. The petitioners have no criminal antecedent.

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 non-serious nature of injury and further considering the background of dispute and relationship between the parties, 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 Judicial Magistrate-1st Class, Gaya, in connection with Belaganj P.S. Case No. 370 of 2021, 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/-

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

