

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3447 of 2024

Arising Out of PS. Case No.-576 Year-2023 Thana- BARACHATTI District- Gaya

1. Sonu Kumar Son of Kamal Dev Yadav Resident of Village - Kahudag, P.S. - Barachatti, District - Gaya
2. Kalwa Devi @ Kalo Kumari Wife of Sonu Kumar Resident of Village - Kahudag, P.S. - Barachatti, District - Gaya
3. Ram Bhajan Yadav Son of Mahadev Yadav Resident of Village - Kahudag, P.S. - Barachatti, District - Gaya
4. Gajo Yadav @ Ramjee Kumar @ Lajo Yadav Son of Ram Bhajan Yadav Resident of Village - Kahudag, P.S. - Barachatti, District - Gaya
5. Dilip Yadav Son of Ram Bhajan Yadav Resident of Village - Kahudag, P.S. - Barachatti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Barachatti P.S. Case No. 576 of 2023, registered on 16.06.2023 for the offences under Sections 341, 342, 307, 504, 506/34 of the Indian Penal Code.



3. As per prosecution case, the petitioners assaulted the informant and her family members with bricks, lathi and rod causing fracture of the head of the husband of the informant, who became unconscious. The occurrence took place in the background of loan of Rs.40,000/- given by the informant to the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is apparent from the FIR that occurrence took place in the background of some monetary transaction. Though the allegation is that the informant and all her family members were assaulted by the petitioners but only the injury report of husband of the informant is on the record and the said injury report shows only one lacerated wound of size 2 x ¼ x ¼ inch on right frontal part of scalp, apart from tenderness on right hand. So the allegation of assault by all the petitioners got falsified by the injury report. Moreover, the injury is stated to be simple caused by hard and blunt substance. Learned counsel further submits that it also shows there was no intention to cause death and hence, no offence under Section 307 IPC is made out. The matter has been compromised between the parties and a compromise petition



has also been filed before the learned court below. The petitioners have got no criminal antecedent.

5. Learned APP opposes the submission 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 single injury which is stated to be simple and further considering the possibility of false implication in the background of monetary dispute, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sherghati, District - Gaya/concerned court in connection with Barachatti P.S. Case No. 576 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 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)

DKS/-

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

