

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9037 of 2024**

Arising Out of PS. Case No.-88 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

1. Raja Yadav @ Raja Kumar Yadav, Son of Mahendra Yadav, R/o vill - Naruar, P.S. - Bhairab Asthan, Distt. - Madhubani
2. Indra Kumar Yadav @ Vikodar Yadav, Son of Yogendra Yadav, R/o vill - Naruar, P.S. - Bhairab Asthan, Distt. - Madhubani
3. Singheshwar Yadav, Son of Yogendra Yadav, R/o vill - Naruar, P.S. - Bhairab Asthan, Distt. - Madhubani
4. Sundar Yadav, Son of Mahendra Yadav, R/o vill - Naruar, P.S. - Bhairab Asthan, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Manish Kumar No. 13, Advocate |
| For the Opposite Party/s | : | Mr. Binod Kumar, APP              |
| For the informant        | : | Mr. Baleshwar Kamar, Advocate     |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

4      16-04-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Bhairab Asthan P.S. Case No. 88 of 2023, registered on 12.07.2023 for the offences under Sections 341, 323, 324, 325, 307, 354(B), 379 and 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioners assaulted the informant and her family members with iron rod, knife and ‘*tengari*’ causing a number of injuries to them.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties with respect to the same occurrence and petitioner no.1 had instituted Bhairab Asthan P.S. Case No. 91 of 2023 against the husband of the informant and other persons. The occurrence took place in the background that one Shyamnand Yadav of the informant's side was throwing cow dung in front of the house of the petitioners and on their protest, the informant side brutally assaulted the petitioners and others. The petitioners and the informant side are agnates and persons from both sides received injuries. Petitioners are nephew of one Mishri Yadav who is father-in-law of the informant. Allegation of assault by sharp weapons is falsified from the injury report as no sharp cut injury or incised wound have been found on any of the victims. Injuries have been caused by hard and blunt substance but the injury report does not corroborate the same. Petitioners are having criminal antecedent of two cases.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that injury report shows grievous injury on



Shyamanand Yadav and Mishri Yadav, the victims of the assault by the petitioners. However, he concedes that all other injuries of the victims are simple and are caused by hard and blunt substance.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the injury reports do not support the allegation of assault by sharp and heavy weapons and further considering the case and counter case between the parties coupled with probability 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Jhanjharpur, Madhubani/concerned court in connection with Bhairab Asthan P.S. Case No. 88 of 2023, subject to the conditions 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)

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