

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3481 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- LAUKAHI District- Madhubani

Rupesh Kumar Yadav @ Rupesh Yadav, Son of Late Suresh Yadav, Resident of Village-Balua, PS-Laukahi, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
		Mr. Ravi Prakash, 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 petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Laukahi P.S. Case No. 20 of 2023 registered for the alleged offences under Sections 447, 448, 341, 323, 307, 354(B), 379, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the wife and sister-in-law of the informant with fists and slaps and sharp edged weapon. The brother of the informant was assaulted by the petitioner and other co-accused persons. The occurrence took place in the background of petitioner refusing to make payment for the



goods they purchased from the shop of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The present case has been lodged due to dispute in *Panchayat* election. The occurrence took place on 18.01.2023, but the FIR has been lodged on 21.01.2023 and there is no explanation for the delay in lodging the FIR. The learned counsel further submits that only allegation against this petitioner is that of assaulting the victims with fists and slaps and specific allegation of assault by a sharp weapon is against co-accused Nitish Kumar Yadav. Allegation of disrobing the wife of the informant is super addition. There is no injury to the victims of this petitioner as it appears from the rejection order passed by the learned court below. From the facts of the case, it is obvious that no offence under Sections 307 and 309 is made out against the petitioner. The petitioner has got no criminal history.

5. Learned APP opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury report of the alleged victims of this petitioner



and further considering the possibility of false implication, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, Madhubani, in connection with Laukahi P.S. Case No. 20 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 petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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