

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7079 of 2024**

Arising Out of PS. Case No.-212 Year-2023 Thana- BAHERI District- Darbhanga

1. Shadhu Yadav Son of Soti Yadav RESIDENT OF VILLAGE- NAVROLIYA KAMALPUR, POLICE STATION- BAHERI DISTRICT- DARBHANGA
2. Raja Yadav @ Raju Kumar Son of Soti Yadav RESIDENT OF VILLAGE- NAVROLIYA KAMALPUR, POLICE STATION- BAHERI DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Bharat Bhushan

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

2      17-02-2024                      Heard learned counsel for the petitioners and  
learned APP for the State.

2.      In this case, the petitioners are apprehending their arrest in connection with Baheri P.S. Case No. 212 of 2023 registered for the offences under Sections 341, 323, 324, 308, 354, 504 and 34 of the Indian Penal Code.

3.      As per prosecution case, in the background of land dispute, the petitioners and other accused persons assaulted the uncle of the informant with Farsa and iron rod. Petitioners also assaulted other family members of the informant causing injuries to them.

4.      Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in



this case. No occurrence as alleged has ever taken place. Petitioners and informant are co-villagers having dispute over boundary. On the date of occurrence informant and his family members attacked the petitioners and his family members and when they tried to protect themselves it resulted in a scuffle and uncle of informant and one Asha Devi received some injuries. The occurrence took place on 11.06.2023 and the fardbeyan was recorded on 14.06.2023 and no reason have been assigned for inordinate delay. Prior to the institution of the present F.I.R, the petitioner Sadhu Yadav lodged an F.I.R. bearing Baheri P.S. Case No. 211 of 2023 against the informant side. It was submitted that both sides received injuries in the scuffle and the injuries are quite simple as it appears from the rejection order of the learned Sessions Judge. Learned counsel further submits that it also appears that the injuries are merely laceration of smaller size and there is only one injury on the uncle of the informant and this falsifies the allegation of the informant that he was given Farsa blow thrice on his person. Injuries of other persons are also only lacerated wound of smaller size. Learned counsel further submits that petitioners have no criminal history.

5. Learned APP vehemently 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 absence of any sharp cut injury and further considering non-serious nature of injuries, let the petitioner 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VII, Darbhanga/court concerned in connection with Baheri P.S. Case No. 212 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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