

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76974 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- PASRAHA District- Khagaria

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1. Ajit Kumar @ Ajit Yadav S/O Jawahar Yadav @ Jawahir Yadav R/O Village- Pitaunjhia, P.S.- Gogri, Distt- Khagaria
 2. Jawahar Yadav @ Jawahir Yadav S/O Late Ramotar Yadav R/O Village- Pitaunjhia, P.S.- Gogri, Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Khushi Awadh, Advocate.
For the State	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Shekhar Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the Opposite Party
No. 2.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Pasraha P.S. Case No. 98 of 2024 dated 29.04.2024, G.R. No. 1220 of 2024, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 447 and 504/34 of the Indian Penal Code.

3. As per the allegation, the petitioners and other co-accused assaulted the informant while he was harvesting the wheat crop. It is further alleged that co-accused Munilal



assaulted the informant with *Hasua* (a sharp cutting weapon) hitting his eye whereas accused/petitioner No. 1 Ajit Yadav attempted to assault him on his head by iron rod and while trying to defend himself, he could get his nose cut. Co-accused Jawahar Yadav has taken away the gold chain and Rs.15,000/- from his pocket.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that on account of land dispute the altercation took place in which both sides got injuries and hence, there is case and counter case by both sides. The FIR lodged by the accused/petitioners is Gogri P.S. Case No. 140 of 2024 under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code. He also submits that as per the allegation and the injury report, Section 307 of the Indian Penal Code is not made out because had they wanted to kill the informant, they could have inflicted severe injuries on vital parts but that is not so. He also submits that the petitioners have got no criminal antecedents.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.



6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State and learned counsel for the Opposite Party No. 2 vehemently oppose the prayer of the Petitioners for bail submitting that the petitioners and other co-accused persons have assaulted the informant with intent to commit murder of the informant. However, he could save by the grace of God. He further submits that as per the case diary, the informant has suffered lacerated wound below the hand and abrasion over head as well as bleeding from the nose.

8. Considering the fact that there is case and counter case between the parties and offence committed by both sides against each other, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Pasraha PS. Case No.98 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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