

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81163 of 2024

Arising Out of PS. Case No.-474 Year-2023 Thana- LAXMIPUR District- Jamui

Raj Kumar Yadav Son of Late Chetan Yadav, Resident of village- Rajanbandh
(Seva) P.S. Gidhaur, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar, Adv.
For the Informant	:	Mr. Dr. Anjani Pd. Singh, Adv, Mr. Sunny Kumar, Adv.
For the State	:	Mr. Binod Kumar No.3, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 09-04-2025 Heard Mr. Rabindra Kumar, learned counsel for the petitioner, Mr. Dr. Anjani Pd. Singh, learned counsel for the informant and Mr. Binod Kumar No.3, learned APP for the State.

2. The petitioner seeks regular bail in connection with Laxmipur (Gidhaur) P.S. Case No. 474 of 2023 dated 27.10.2023 registered for the offence(s) punishable under Sections 341, 323, 324, 379, 354B, 307 and 504 read with Section 34 of the Indian Penal Code.

3. As per the prosecution story, on 27.10.2023 at about 8:15 A.M., brother-in-law of the informant was working in the field for plantation of potatoes. Upon shouting, informant and her husband reached at the field and saw that the petitioner



is assaulting by means of sword to the brother-in-law of the informant by which he got injury over his left hand. Other accused persons also assaulted the informant and the husband of the informant.

4. The main submissions advanced by petitioner's counsel are that both the parties are relatives in between them there is a land dispute and the petitioner is alleged to have assaulted the brother of the husband of the informant by means of sword but as per the FIR, the said victim did not sustain injury on his vital part of body and he is said to have sustained injury on his left hand though as per his injury report, a sharp cut injury was found on his left hand but size of the said injury has not been mentioned which clearly shows the manufacturing of the injury report of the said injured. It is further submitted that in actual the husband of the informant, Upendra Yadav, and accused Santosh Yadav and Chhotu Yadav are agnates and Kishun Mahto and Jhopar Mahto were full brothers and the petitioner is *nati* (maternal grandson) of Kishun Mahto and Upendra Yadav (husband of the informant) is great grandson of Jhopar Mahto and Most. Mungia Devi (wife of Kishun Mahto) transferred her share 1.49 acre land to her daughter through registered sale deed on 19.01.1977, due to which there is enmity



in between the parties. It is lastly submitted that against this petitioner, there is no allegation of repeated blow by alleged sword at the injured, brother of the husband of the informant, and petitioner has been languishing in jail since 28.08.2024.

5. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that the petitioner was the main assailant in the occurrence who caused sharp cut injury to the victim, brother of the husband of the informant and the said allegation gets corroboration from the victim's injury report available in the case diary and further, the petitioner has criminal antecedent of one case.

6. Considering the seriousness of the allegation appearing against this petitioner as pointed out by the informant's counsel and also appearing from the FIR and getting support from the injury report of the injured, brother of the husband of the informant, this court is not inclined to release the petitioner on bail at this stage as according to the petitioner's counsel, the case of this petitioner has not been committed till date. Accordingly, his prayer for bail stands rejected for the present.

7. The petitioner may renew his bail prayer after



framing of charge.

(Shailendra Singh, J)

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