

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83139 of 2024

Arising Out of PS. Case No.-128 Year-2023 Thana- LODIPUR District- Bhagalpur

Sumit Yadav @ Sumit Kumar S/o- Banbari Yadav @ Banwari Yadav Resident
of Village- Naya Tola Agarpur Police Station-Lodipur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Lodipur P.S. Case No. 128 of 2023 registered for the alleged offence under Sections 341, 342, 323, 307, 354(B), 379, 504, 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and co-accused person assaulted the brother of the informant and confined the informant in her house and also sexually assaulted her. When the parents of the informant tried to rescue her, the co-accused persons-Banbari Yadav and Sushil Yadav assaulted the mother of the informant, causing injury on her head.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The whole occurrence took place in the background of land dispute as the co-accused-Banbari Yadav, father of the petitioner, and co-accused Sushil Yadav had purchased two pieces of land from the family of the original land lord whereas the mother of the informant also purchased a piece of land from the maternal grandson of the original landlord. For this reason, the informant's side wanted the co-accused persons to vacate the land, for which the informant or her family members lodged a number of cases against the petitioner and his family members with similar allegations. Learned counsel further submits that no occurrence as alleged has ever taken place. From the FIR, it is apparent that all the family members of the petitioner have been falsely implicated in this case. It is also surprising that no motive has been mentioned in the FIR lodged by the informant. Whole occurrence took place in day time, but there appears no eye witness. Moreover, the injury report of the injured mother of the informant shows simple injuries.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioner is accused in altogether 08 cases and appears to be habitual offender.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that other cases are also stated to be lodged by the informant or her family members and further considering the probability 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class/concerned court in connection with Lodipur P.S. Case No. 128 of 2023, subject to the condition 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 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.

(Arun Kumar Jha, J)

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