

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89170 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- FALKA District- Katihar

1. Hema Devi W/O Dilip Kumar Yadav Res of village - Chochla, P.S- Falka , District- Katihar
2. Dilip Kumar Yadav S/O Phuleshwar Prasad Yadav Res of village - Chochla, P.S- Falka , District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N K Agarwal, Sr. Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard the learned Senior Advocate for the petitioner and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Falka P.S. Case No. 118 of 2024, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307 and 354/34 of the Indian Penal Code.

3. Based upon the complaint case, the FIR has been instituted with an allegation that on 26.10.2023, while the complainant-informant was in her field, in the meantime, the petitioner no. 1 along with her son and daughter, armed with *lathi* and spade came there and started abusing. On protest being made, the informant was thrashed on the ground by the



petitioner no. 2 and he assaulted over her left hand by iron rod, due to which she sustained fracture injury. There is allegation that the son of the petitioner no. 2 also assaulted over the head of the informant by means of spade, due to which she sustained serious injury. The allegation against the petitioner no. 1 is of causing scissor blow, due to which she sustained cut injury over her hand.

4. Learned Senior Advocate for the petitioner drawing the attention of the complaint case, which was later on referred to the concerned Police Station under Section 156 (3) of the Cr.P.C., contended that though the alleged occurrence took place on 26.10.2023, but surprisingly, the complaint was filed on 24.07.2024 and thereafter, the FIR has been instituted on 27.06.2024; such a long delay has not been explained. Taking permission from this Court, he has placed before this Court the injury report, which is the part of the case diary and submitted that the injury report only talks about one injury over the head of the complainant-informant. So far the injury over the left hand of the informant is concerned, no such injury has been found. The head injury is attributed to co-accused Vijay Kumar Yadav, who is not before this Court. It is next contended that so far the petitioner no. 1 is concerned, she has no criminal



antecedent, whereas, petitioner no. 2 had one criminal antecedent bearing Falka P.S. Case No. 63 of 2005, in which the petitioner no. 2 has been acquitted. It is lastly contended that in fact on account of some trifling land dispute, both the parties have keeping grudge against each other, resulting into filing of the case and counter case, being Complaint Case No. 1524 of 2024 filed by the petitioner no. 2.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that there is serious allegation of assault against the petitioner no. 2, resulting into fracture of the left hand of the informant. The motive is obvious, moreover, earlier also, there was an FIR instituted by the informant's side.

6. Regard being had to the submissions made on behalf of the parties and considering the delay of more than eight months in filing of the complaint and the injury report does not corroborate the allegation of causing iron rod blow over the left hand of the informant, resulting into any fracture injury, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand)



each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Katihar in connection with Falka P.S. Case No. 118 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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