

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38317 of 2019

Arising Out of PS. Case No.-62 Year-2018 Thana- BHEJA District- Madhubani

1. Hem Yadav, S/o Chandeshwar Yadav, R/o village- Bakwa, P.S.- Bheja, District- Madhubani
2. Subhash Yadav, S/o Bal Krishna Yadav, R/o village- Bakwa, P.S.- Bheja, District- Madhubani
3. Anil Yadav, S/o Parmeshwar Yadav, R/o village- Bakwa, P.S.- Bheja, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-09-2019 This is an application for grant of anticipatory bail in connection with Bheja P.S. Case No. 62 of 2018, disclosing offences under Sections 341, 323, 307, 379, 504, 506, 34 of IPC.

Allegation against the petitioners is that they have threw wine bottles at the house of the informant and threatened him and thereafter, again they came on motorcycle abused and caused injuries. There is specific allegation against these petitioners that they have assaulted Pawan by Axe and against Anil Yadav there is allegation that he assaulted by rod, causing injury to him. It further appears that petitioners are accused in other cases also.

However, learned counsel for the petitioners submits that by mistake he could not mention in the petition that petitioners are accused in more case, though it is mentioned in the impugned order.



It has also been submitted that there is case and counter case between the parties. Injuries are simple in nature. Further submission is that as a matter of fact, there was dispute with respect to construction of road as the informant who is constructing the road is not supplying the materials properly against which they have raised objection, for that they have falsely been implicated in this case and other cases also.

Heard learned APP as well as learned counsel for the informant also, they have opposed the prayer for anticipatory bail on the ground that petitioners are in habit of causing such type of occurrence and as such, they do not deserve anticipatory bail.

Having heard both sides, I am not inclined to grant privilege of anticipatory bail to the petitioners. However, if they may surrender before the learned court below and make prayer for regular bail, the same shall be considered by the learned court below on its own merit, without being prejudiced by order of this Court and if, possible to be disposed of on the same day.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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