

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.42829 of 2019**

Arising Out of PS. Case No.-91 Year-2018 Thana- SHAMBHUGANJ District- Banka

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1. Anil Yadav Son of Gujo Yadav @ Raju Yadav, Resident of village- Bharatshila, Police Station- Shambhuganj, District- Banka.
  2. Gujo Yadav @ Raju Yadav Son of Late Asharfi Yadav, Resident of village- Bharatshila, Police Station- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee  
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA  
ORAL ORDER**

2      11-07-2019                      Learned counsel for the petitioners submits that Gujo Yadav @ Raju Yadav (petitioner no.2) has already been arrested.

In this view of the fact, the anticipatory bail petition of Gujo Yadav @ Raju Yadav (petitioner no.2) is dismissed as has become infructuous.

Heard both sides.

Petitioner No.1, namely, Anil Yadav apprehends his arrest in Shambhuganj P.S. Case No.91 of 2018 registered under Section 307 and other minor sections of the Indian Penal Code.

The informant altogether named ten persons including petitioner no.1 (Anil Yadav) and alleged that all the accused persons assaulted her husband Sitaram Rai and her son Rajesh



Rai.

Learned counsel for the petitioner submits that the occurrence took place due to land dispute for throwing garbage. The accused persons are alleged to have assaulted Sitaram Rai and Rajesh Rai but Sitaram Rai got two lacerated wounds and similarly Rajesh Rai also got two lacerated wounds. All injuries are superficial and simple in nature. No specific allegation of assault is made against petitioner no.1, Anil Yadav.

Having considered the facts that of course petitioner no.1 is named in the F.I.R. but no specific allegation of assault is made against him and the informant alleged that all ten accused persons assaulted her husband and her son but her husband Sitaram Rai and her son Rajesh Rai got two lacerated wounds each on their body and the injuries are superficial and simple in nature, the above named petitioner no.1 (Anil Yadav), in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Shambhuganj P.S. Case No.91 of 2018, subject to the conditions



as laid down under Section 438 (2) of the Code of Criminal  
Procedure.

**(Prabhat Kumar Jha, J)**

Harish/-

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