

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17806 of 2020

Arising Out of PS. Case No.-38 Year-2019 Thana- MAHKAR District- Gaya

1. Mantu Yadav @ Shivdatt Yadav @ Shivdat Prasad Dev Son of Late Rajendra Yadav Resident of Village - Nadra, P.S.- Mahkar, District - Gaya.
2. Pappu Yadav Son of Fekan Yadav Resident of Village - Nadra, P.S.- Mahkar, District - Gaya.
3. Arun Yadav Son of Late Ganesh Yadav Resident of Village - Tetariya, P.S.- Khizarsarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-10-2020 Heard learned counsel for the petitioners and learned counsel for the State through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Mahkar P.S. Case no. 38 of 2019 registered under sections 447, 342, 307, 506, 504 and 386 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, over a dispute relating to the agricultural land, it is stated that the four named accused persons including the petitioners herein assaulted the informant and others. It is stated that the petitioner no. 1 assaulted with a lathi on the head of the younger son of the informant. It is further stated that they fired and prevented the informant and



others from going home and getting the injured treated. It is further stated that he got his son treated the next day in the local hospital.

It is submitted by learned counsel for the petitioners that from perusal of the FIR itself it would transpire that the dispute between the parties related to agricultural land and it is for this reason that the petitioners have been falsely implicated in the case. It is further submitted that so far as the petitioner nos. 2 and 3 are concerned, the allegations are general and omnibus in nature. So far as the allegation against the petitioner no. 1 is concerned, although an explanation has been given for not getting the injured treated the said night but there is no explanation whatsoever as to why when the occurrence is alleged to have taken place on 27.4.2019, information was given to the police station and FIR registered only on 3.5.2019. The petitioners have no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and on perusal of the case diary, I find that there is no injury report of the younger son of the informant. Further, taking into consideration the submissions made on behalf of the petitioners



including the delay in lodging of the FIR, the Court is inclined to enlarge the petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Mahkar P.S. Case no. 38 of 2019 they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IX, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

