

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17123 of 2020**

Arising Out of PS. Case No.-326 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. RAJESH YADAV S/o Arjun Yadav Resident of Village- Sahuli, Telaiya Sagar, P.S.- Hussainganj, District- Siwan.
2. Bipin Yadav S/o Bhim Yadav Resident of Village- Sahuli, Telaiya Sagar, P.S.- Hussainganj, District- Siwan.
3. Bipul Yadav S/o Bhim Yadav Resident of Village- Sahuli, Telaiya Sagar, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar
For the Opposite Party/s : Mr.Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 11-09-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and Sri Raj Ballabh Singh, the learned A.P.P. for the State.

The learned counsel for the petitioner, at the outset, seeks to withdraw the present petition *qua* the petitioner no. 3.

Accordingly, the present petition *qua* the petitioner no. 3 is dismissed as withdrawn, however with liberty to the petitioner no. 3 to surrender before the learned court below and seek regular bail.



This is an application for grant of anticipatory bail in connection with Hussainganj PS case no. 326 of 2019 registered for the offences punishable under Section 307 and allied sections of Indian Penal Code.

The case of the prosecution in brief is that the accused persons i.e. the petitioners herein had arrived at the house of the informant in night of 14.10.2019 at about 8 pm, whereafter they entered into the house of the informant and started abusing and assaulting him and his family members. As far as petitioner no. 3 is concerned, he is said to have inflicted grievous injuries on the injured.

The learned counsel for the petitioners has submitted that the petitioners no. 1 and 2 are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that a bare perusal of the FIR would show that the main allegation of assault resulting in grievous injuries being sustained by the injured person is on the petitioner no. 3 and as far as the petitioners no. 1 and 2 are concerned, a general and omnibus allegation has been levelled, hence it is submitted that the petitioners no. 1 and 2 be atleast granted the privilege of anticipatory bail.

Having regard to the facts and circumstances of the



case, considering the submissions of the learned counsel for the petitioners and taking into account the fact that the main culprit is the petitioner no. 3, I deem it fit and appropriate to admit the petitioners no. 1 and 2 to the privilege of anticipatory bail. Accordingly, the petitioners no. 1 and 2, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Hussainganj PS case no. 326 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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