

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23876 of 2020

Arising Out of PS. Case No.-424 Year-2019 Thana- AMARPUR District- Banka

1. ANIL YADAV S/o Late Shanti Yadav Resident of Village-Makduma, Police Station-Amarpur, District-Banka.
2. Mannu Yadav @ Ashok Yadav S/o Late Shanti Yadav Resident of Village-Makduma, Police Station-Amarpur, District-Banka.
3. Raja Yadav S/o Bishnudeo Yadav Resident of Village-Makduma, Police Station-Amarpur, District-Banka.
4. Dablu Yadav S/o Bishnudeo Yadav Resident of Village-Makduma, Police Station-Amarpur, District-Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-10-2020 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, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Anand Kumar, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Amarpur P.S. Case No. 424



of 2019 registered for the offence punishable under Sections 341, 323, 325, 354, 307, 504, 506/34 of the Indian Penal Code but cognizance has been taken under Sections 147, 341, 323, 325, 354, 447, 504, 506 of the Indian Penal Code.

The case of the prosecution in brief is that the accused persons including the petitioners herein had arrived at the courtyard of the informant, whereafter they started abusing and assaulting the wife of the informant. It is further alleged that when the informant had arrived there and raised objection to the behaviour of the accused persons, the co-accused person, namely, Sanny Yadav and Raja Yadav had assaulted him on his head causing fracture and bleeding injury, whereafter, the co-accused person, namely, Mannu Yadav had assaulted the informant by lathi. As far as the co-accused persons, namely, Dablu Yadav and Anil Yadav are concerned, they merely assaulted the informant by lathi on his body.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they



have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners, by referring to the injury reports of the informant, namely, Ramdev Yadav and his wife, namely, Sunita Devi, has submitted that the injuries, if any, sustained by them, are simple in nature and the allegation of assault levelled by the informant has been exaggerated in order to make the offence grave, however, the same is without substance. It is further submitted that though the occurrence had taken place on 21.6.2019, but on account of reasons best known to the prosecution, the FIR has been lodged only on 4.9.2019 i.e. after a delay of several days, which further makes the entire allegation suspicious.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the injuries sustained by



the injured persons are simple in nature, the petitioners are having a clean antecedent and the FIR has been registered after a huge delay, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory 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, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 424 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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