

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10765 of 2019

Arising Out of PS. Case No.-460 Year-2018 Thana- BIHIA District- Bhojpur

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1. MADAN YADAV AND ORS son of Sri Kishun Yadav, Resident of Village- Ramdihara, P.S.- Bihiya, District- Bhojpur.
 2. Govind Yadav, son of Brij Bihari Yadav, Resident of Village- Ramdihara, P.S.- Bihiya, District- Bhojpur.
 3. Binod Yadav, son of Brij Bihari Yadav Resident of Village- Ramdihara, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 28-10-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bihiya P.S. Case No. 460 of 2018 registered under Sections 341, 323, 379 and 504/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. Petitioner no.1 is aged about 60 years. Further, he submits that there is general and omnibus allegation of assault against the petitioners. Petitioners have no criminal antecedent.

Learned A.P.P. appearing on behalf of the State opposed the prayer of petitioner nos. 2 and 3 by contending that in the first information report, it is apparent that there is direct allegation of assault on the head of the informant by means of rod with intention to kill him. Hence, the petitioner nos. 2 and 3 do not deserve to be enlarged on anticipatory bail.

Having considered the facts and circumstances of the case and the submissions advanced on behalf of the learned counsel of the State, prayer of petitioner nos. 2 and 3 for grant of anticipatory bail is rejected.

So far as petitioner no.1 is concerned, his prayer for bail is allowed. Accordingly, the above named petitioner no.1 Madan Yadav be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of A.C.J.M.-V, Bhojpur at Ara in connection with Bihiya P.S. case No. 460 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Arvind Srivastava, J)

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