

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36413 of 2020**

Arising Out of PS. Case No.-36 Year-2019 Thana- TANKUPPA District- Gaya

1. Birendra Yadav S/O Kedar Yadav
2. Upendra Yadav S/O Late Dhanu Yadav
3. Uday Kant Kumar S/O Suresh Yadav
4. Ajit Kumar S/O Suresh Yadav
5. Ajay Kumar S/O Suresh Yadav
6. Basanti Devi @ Chinta Devi W/O Naresh Yadav  
All R/O Nimatanr, P.S. - Tankuppa, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Yadav  
For the Opposite Party/s : Mr.APP

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

2      09-04-2021      Heard both sides.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner No.1(Birendra Yadav) who has already been arrested.

Prayer is allowed. The anticipatory bail petition filed on behalf of petitioner No.1(Birendra Yadav) is dismissed as withdrawn.

The petitioner Nos.2 to 6 apprehend their arrest in Tankuppa P.S. Case No.36 of 2019 registered under Sections 147, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal



Code.

The informant alleged that Birendra Yadav was unloading sand from his tractor and caused damage to the bricks of the informant. When the informant protested, the accused persons assaulted the informant. Ajit Kumar(petitioner No.4) assaulted Gautam Kumar with bricks on his head and Naresh Yadav, who is not petitioner, is alleged to have assaulted Shivnandan Singh with lathi on his head.

The learned counsel for the petitioners submits that there is a counter version. The injury found on the person of Shivnandan Singh is simple in nature. Naresh Yadav is not the petitioner. Naresh Yadav is the assailant of Shivnandan Singh. Gautam Kumar also got one injury on his head but the opinion with regard to injury on his head is not obtained till date.

Learned A.P.P. opposed the prayer for anticipatory bail.

Having considered the submissions and on perusal of the record, it appears that there is omnibus and general allegation of assault against Upendra Yadav(petitioner No.2), Uday Kant Kumar(petitioner No.3), Ajay Kumar(petitioner No.5) and Basanti Devi @ Chinta Devi(petitioner No.6) and there is a counter version.



Taking into consideration the facts aforesaid, let the petitioner No.2(Upendra Yadav), petitioner No.3(Uday Kant Kumar), petitioner No.5(Ajay Kumar) and petitioner No.6(Basanti Devi @ Chinta Devi) in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. I, Gaya in connection with Tankuppa P.S. Case No.36 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner No.4(Ajit Kumar) is concerned, he caused injury on the head of Gautam Kumar with bricks. The opinion with regard to the nature of injury is kept reserved. The injury is on vital part of the body. The injury appears to be dangerous to life and on vital part.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.4(Ajit Kumar) on anticipatory bail. Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J)**

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