

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5111 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- DHANKUND District- Banka

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1. PRAMOD YADAV, S/O LATE SUSHIL YADAV RESIDENT OF VILLAGE - KATHAUNI, POLICE STATION - DHANKUND, DISTRICT - BANKA.
 2. LAXMAN YADAV S/O RAMDHANI YADAV RESIDENT OF VILLAGE - KATHAUNI, POLICE STATION - DHANKUND, DISTRICT - BANKA.
 3. UTTAM YADAV S/O PRAMOD YADAV RESIDENT OF VILLAGE - KATHAUNI, POLICE STATION - DHANKUND, DISTRICT - BANKA.
 4. BUNKI DEVI W/O PRAMOD YADAV RESIDENT OF VILLAGE - KATHAUNI, POLICE STATION - DHANKUND, DISTRICT - BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 17-09-2021 Heard Mr. Ajay Mukherjee, learned advocate for

the petitioners and Ms. Sangita Sharma, learned APP for

the State.

The petitioners seek bail in anticipation of their



arrest in connection with Dhankund P. S. Case No. 67 of 2020, dated 04.07.2020, instituted for the offences under Sections 147, 148, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The accusation in the F.I.R. is that 12 accused persons including the petitioners came to the house of the informant and started assaulting them. Later, it has been specifically alleged that the petitioner no. 1 has given a *Garasa* blow on the head of one Pramukh Roy, as a result of which he became injured.

One Upendra Yadav is said to have assaulted one Meena Devi by means of *Farsa*, as a result of which she has received injuries.

Eight persons actually have received injuries which appears from the records of the case.

So far as the petitioner nos. 2, 3 and 4 are concerned, there is no specific overt act attributed against them.

Apart from this, it has been urged on merits



that there is a counter version of the occurrence also which has been lodged by Upendra Yadav against the husband of the informant and others *vide* Dhankund P. S. Case No. 66 of 2020.

The learned advocate for the petitioners, therefore, submits that from the aforesaid cases it would appear that there was a fight between two parties and unfortunately some of the persons received injuries in such fight. There is no intention of anyone of the accused persons including the petitioners to have caused any fatal injury.

The learned advocate for the petitioners has further submitted that though petitioner no. 1 is said to have given a *Farsa* blow but the concerned injured has received injury by hard and blunt substance. The assessment of the nature of such injury has been kept reserved.

However, considering the nature of accusation against petitioner no. 1, who is specifically alleged to



have assaulted one of the injured persons with *Farsa* on his head, I am not inclined to grant anticipatory bail to him. His prayer for anticipatory bail is rejected.

However, if the petitioner no. 1 surrenders before the court below and seeks bail that shall be considered on its own merits, without being prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

Since nothing specific has been alleged against petitioner nos. 2, 3 and 4, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate / Successor Court, Banka in connection with Dhankund P. S. Case No. 67 of 2020, subject to the conditions as laid down under Section 438



(2) Cr.P.C.

The application stands disposed off.

(Ashutosh Kumar, J)

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