

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 39520 of 2020

**Arising out of P.S. Case No. 208, year- 2020, Thana- Sadar District
Darbhanga**

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1. Baidya Nath Yadav @ Baiya Nath Prasad @ Bajinath Yadav, Male, aged about 50 years,
 2. Shiv Sagar Yadav, aged about 35 years, male.
 3. Ram Sagar Prasad @ Ram Sagar Yadav, aged about 40 years, male.

All sons of late Amit Yadav @ Amit Prasad @ Amrit Yadav, resident of village- Sara Mohanpur, P.S. Sadar, District Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opp. Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-06-2021

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 parties.

The petitioners apprehend their arrest in connection with Sadar P.S. Case No. 208 of 2020 for the offence punishable under sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.



The allegation is regarding altercation having taken place in between the petitioners and the informant on account of cleaning of septic (latrine) tank whereupon the petitioners no. 1 and 2 are stated to have assaulted the informant on his head by lathi (stick), khanti and sword.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has referred to the injury report of the informant, which is annexed as Annexure-5 to the present petition, to show that the doctor has found all the injuries to be simple in nature. It is further submitted that minor scuffle had taken place on account of the dispute in question, however, there was no intention on the part of the petitioners to injure the informant.

Per contra, the learned APP for the State, Shri Bharat Bhushan has vehemently opposed the prayer of the petitioner for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the materials available on record as also considering the fact that injuries, if any, found on the person of



are simple in nature and the

petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, the petitioners, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with Sadar P.S. Case No. 208 of 2020, subject to the conditions as laid down under section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

