

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38040 of 2020

Arising Out of PS. Case No.-103 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

1. MUNNA YADAV son of Ramayan Yadav Resident of Village- Chakki, Laxaman ke Dera, P.S. Brahampur (Chaki O.P.), District- Buxar.
2. Mahesh Yadav son of Ramayan Yadav Resident of Village- Chakki, Laxaman ke Dera, P.S. Brahampur (Chaki O.P.), District- Buxar.
3. Dipak Yadav @ Dipak Kumar son of Munna Yadav Resident of Village- Chakki, Laxaman ke Dera, P.S. Brahampur (Chaki O.P.), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Arvind Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-04-2021 Mr. Binod Kumar Singh, learned advocate for the petitioners seeks permission to withdraw this application with respect to petitioner no. 1.

The application with respect to petitioner no. 1/Munna Yadav is dismissed as withdrawn.

The petitioners no. 2 and 3 seek bail in anticipation of their arrest in connection with Buxar Industrial Area P.S. Case No. 103 of 2020 dated 15.06.2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 384, 307, 379, 504 and 506 of the Indian Penal Code.

From the accusation made in the FIR, it



appears that assault was perpetrated by the accused persons including the petitioners no. 2 and 3 which has led to injuries on five persons. Some of them have received grievous injuries.

Learned counsel for the petitioners has submitted that there is no specific accusation against petitioners no. 2 and 3 and petitioner no. 3 does not have criminal antecedents also.

Learned counsel for the informant on the other hand has submitted that there is no specific accusation against anybody and therefore that cannot be taken as a ground for grant of anticipatory bail especially in view of the fact that two of the injuries suffered by the victims have been reported to be grievous in nature.

Apart from this, it has been submitted that the petitioner no 2 has criminal antecedent but in that case the petitioner no. 2 has been acquitted.

Considering the nature of injuries received by the victims, I am not inclined to grant anticipatory bail to the petitioners no. 2 and 3.

The prayer for anticipatory bail of petitioners no. 2 and 3 is rejected.

However, looking at the relationship between the petitioners and the informant as well as another accused person who happen to be the maternal uncles



of the petitioners, it is directed that in case the petitioners surrender before the court below and seek bail, the court below shall take into account all relevant facts including that some of the other accused persons of this case having similar allegation have been granted bail and that there is no specific accusation against petitioner no. 3 and shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

The petition stands disposed off.

(Ashutosh Kumar, J)

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