

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9484 of 2022

Arising Out of PS. Case No.-408 Year-2020 Thana- BELHAR District- Banka

1. Dukho Yadav S/O Late Dhanu Yadav Resident Of Village Asnatari, P.S. - Suiya, District - Banka.
2. Shyam Yadav S/O Late Tulsi Yadav Resident Of Village - Bhalua, Police Station - Suiya, District - Banka.
3. Pintu Yadav S/O Prasadi Yadav Resident Of Village - Bhalua, Police Station - Suiya, District - Banka.
4. Naresh Yadav Son Of Late Giridhari Yadav Resident Of Village - Bhalua, Police Station - Suiya, 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 : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 18.10.2020 at 5.30 P.M. when he was going to bring potato seeds from motorcycle when he was intercepted by five accused persons including the petitioner and



they assaulted the informant with axe and iron rod causing injury on his head and thereafter, Prasadi Yadav snatched Rs.2500/- from his pocket.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation of assault is alleged against any of the petitioners. It is next submitted that even the injury suffered is simple in nature. It is further submitted that no reason or motive for the occurrence has been assigned and there is a delay of three days in instituting the F.I.R. as occurrence is dated 18.10.2020 and the F.I.R. came to be instituted on 21.10.2020 that in itself demonstrates that the petitioners came to be implicated by way of after thought. It is next submitted that petitioners had earlier instituted Belhar P. S. Case No.407 of 2020 was instituted from the side of the petitioners against the informant and others.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners and the fact that injuries are simple and there was delay in instituting the F.I.R. and specific allegation of assault is general and omnibus in nature, the



petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Belhar P. S. Case No.408 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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